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402908
Sup Ct

Vol. V

TRANSCRIPT OF RECORD

Supreme Court of the United States

OCTOBER TERM, 1940

No. 14

REPUBLIC STEEL CORPORATION, PETITIONER,

vs.

NATIONAL LABOR RELATIONS BOARD AND STEEL WORKERS ORGANIZING COMMITTEE

ON WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE THIRD CIRCUIT

PETITION FOR CERTIORARI FILED FEBRUARY 7, 1940.

CERTIORARI GRANTED MAY 20, 1940.

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VOLUME V.

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Redirect Examination

Q. (By Mr. Pontius) When did you cease to be active in this?

A. I beg your pardon?

Q. When did you cease to be active in connection with this strike with relation to the police?

A. On the following Thursday about noon.

Q. Did you have a talk with the Chief about that?

A. Yes.

Q. Where did that take place?

A. City Hall.

Q. What was said?

A. He said he was going to Washington, D. C. before the National Labor Relations Board to appear before Ma Perkins, he said. That he was going down there—it would be all right, he said, "For you to be out of the picture." I said: "When you go out, I go out."

Q. Did you receive any compensation at all for your activities?

A. None.

MR. PONTIUS: All right.

Cross Examination (Resumed)

Q. (By Mr. Lauter) Is the other man in that picture, Mr. Henderson, a special deputy?

A. Yes.

Q. Is that the gun that you used?

A. I can't say.

Q. What is that?

A. I can't say.

Q. Did you see him use a gun that night?

A. I didn't.

Q. Did you see him use any weapon at all that night?

A. I didn't.

Q. When you walked up from the line of police, wasn't he armed at that time?

A. Yes, he was armed.

Q. What did he have?

A. I suppose he had a regular police 38 and so on and so forth.

Q. When you both fell to the ground did he use that 38?

A. I can't say yes to that. I was covering myself.

Q. You had no weapon at all?

A. I had none at all.

Q. You are sure you didn't reach for a gun that later jammed?

A. No, sir.

Q. You are sure about that?

A. Yes, sir.

Q. Now, this July 11th meeting that you went to and to which Mr. Carl Meyers was present, had you ever met Carl Meyers before?

A. I hadn't. Did I meet him?

Q. Yes.

A. Yes, I had met the man; yes. I had met him in a way but never just to speak to him; just a speaking acquaintance.

Q. Well, you were friendly with him, as with other industrial heads in the city?

A. No, I didn't know the man.

Q. What is that?

A. I didn't know the man personally. He came into town, he came into Massillon later. He wasn't a Massillon man.

Q. Are you on friendly terms with some of the industrial heads in the city of Massillon?

A. Practically all of them.

Q. They attended—A good many of them attended the meeting on July 7th?

A. Yes.

Q. And they promised to send down some of their men?

A. Yes.

Q. To become a part of the police force, to be deputized, is that correct?

A. Yes.

Q. And at that time did Mr. Meyers make any—give any indication as to whether or not he would send down any men?

A. He did not.

Q. Did you expect or did you request the Republic Steel Corporation to send down any men?

A. I didn't ask anybody. Any individual, no, sir.

Q. Well, when the various industrial heads discussed the matter of sending down men to be deputized—

A. Why, I don't know what they done, after I left.

Q. Well, do you know about the fact that they did volunteer to send down men?

A. Yes, that is, they said at that meeting they would.

Q. Yes.

A. Yes.

Q. Well, you didn't expect any from Republic Steel Corporation to come down, did you?

A. Who, me?

Q. Yes.

A. I didn't know what they were going to send.

Q. I am saying, did you expect any to come down that afternoon?

A. Who, me?

Q. Yes.

A. I didn't know where the men were coming from. I didn't make any stipulation as to where they were coming from.

Q. You were there when they did come to the police headquarters?

A. Yes.

Q. When you looked over the group of some sixty men that were there, you didn't know where they came from?

A. No.

Q. You did know, however, they came from various industries in the city?

A. I did.

Q. You didn't know that some of them came from Republic Steel Corporation?

A. Well, I presume some did, yes. I didn't question any of them.

Q. Well, you didn't ask them to find out whether they did come from Republic Steel Corporation?

A. No, neither did the chief.

Q. Now, those men had to be bonded, is that correct?

A. That is right.

Q. Do you know whether or not bonds were posted for the men who were sworn in?

A. That I couldn't say.

Q. Do you know Mr. Gordon Hess?

A. Yes.

Q. Well, did you have a telephone conversation with him on that day?

A. I did not.

Q. Did you have any telephone conversation with him about that time?

A. No, I did not.

Q. About paying for bonds on Republic men who were sworn in?

A. No.

Q. Are you sure you did not have any conversation with him?

A. No, not Gordon Hess.

Q. Whom did you speak to about it?

A. Lester.

Q. Who is Mr. Lester?

A. Well, he was the man on the Law & Order League. He is a business man of Massillon, one of the industrial heads of the rubber company—the general manager, I think, of some rubber company over there, or owner of it.

Q. Do you know whether or not bonds were paid for, when the men were sworn in?

A. I beg your pardon?

Q. Do you know whether or not bonds were paid for when the men were sworn in?

A. I couldn't say.

Q. Do you know how many Republic Steel Corporation men were deputized?

A. I do not.

Q. Do you know that Republic Steel Corporation was billed for some 28 men that were deputized,—27 men who were deputized?

A. No, sir, I do not.

MR. DAY: Do you mean billed for their bonds?

MR. LAUTER: That is right.

Q. (By Mr. Lauter) Did you hear anybody call Mr. Gordon Hess to come from Canton on that day?

A. I did not.

Q. Did anybody tell you that he had been called?

A. I did not.

Q. Now, on July 11th—you had no official connection with the police department of Massillon, is that correct?

A. I had not.

Q. Have you ever been deputized?

A. No, only when Henderson deputized me.

Q. Well, did Henderson ever deputize you?

A. Any officer has a right to deputize you in case of trouble.

Q. And you considered yourself deputized that night?

A. I certainly did.

Q. About what time of the night did Henderson deputize you?

A. Oh, along about just 11:00 o'clock.

Q. Prior to your being deputized you issued the order that increased the number of policemen on Cleveland Avenue, is that correct?

A. I beg your pardon?

Q. You issued the order that increased the number of policemen on Cleveland Avenue that night, is that correct?

A. Yes.

Q. Ordinarily, how many policemen are there?

A. There are generally six.

Q. That is, three coming on and three going off?

A. No, there is six there on all changes of shifts.

Q. There are six men—well, now on Cleveland Avenue how many are there?

A. There is six.

Q. That is, in addition to those at the viaduct?

A. Oh, yes.

Q. There were six men stationed there at all times?

A. At the change of every shift, yes, the shifts were doubled, overlapping, an hour and a half at the change of each and every shift. Now if a man came on, understand, at 11 o'clock, they would have to stay until 11:30 or 12 o'clock before they could go home.

Q. That is, when three men shifts were overlapped, three were coming on, there would be six?

A. There would be six men, yes.

Q. Now, how many men did you order for that place, that night, at Cleveland Avenue that night?

A. I think two or three additional men.

Q. That is all?

A. That is all.

Q. And what arms did you suggest they take with them?

A. What arms?

Q. That is right.

A. Why, we took all of the tear gas guns we had.

Q. And what other weapons did you take?

A. And the machine gun.

Q. What is that?

A. Sub-machine gun.

Q. As far as you know, had there been any violence since the time these men were sworn in on July 7th?

A. No.

Q. Do you know whether, as a matter of fact, there had been a decrease in the number of arrests?

A. Yes, there had been.

Q. In other words, there was less trouble?

A. After—When?

Q. From July 7th to July 11th?

A. Yes.

Q. There was less trouble, is that correct?

A. Yes.

Q. Now, on that night you were assigning additional policemen to Cleveland Avenue?

A. Yes.

Q. Furnishing them with tear gas?

A. Yes.

Q. And a sub-machine gun?

A. Oh, that was regular equipment. Always carried in the car.

Q. They always carried the sub-machine gun too?

A. Yes.

Q. Was that machine equipped with bird-shot?

A. Well, it is always equipped with bird-shot, yes. It has got both—It has got both 45's and bird-shot. It has got—you have got about six magazines full of eac You have got six of bird-shot, or let's see—I guess three of bird-shot and three of 45's.

Q. What do you mean, three of bird-shot and three of 45's?

A. Well, the regular 45 bullet it shoots in the machine gun. And you take a 45 bird-shot, that is only a paper

shell on the end of it with about nine little shot in them, they give you the same effect, that rat-a-tat out of the bird-shot that you can get out of 45's. No harm can be done—not very much harm can be done with the bird-shot.

Q. Did you hear the shots that were fired at the viaduct?

A. What is that?

Q. Did you hear the shooting that went on at the viaduct?

A. Yes.

Q. And about what time was that?

A. Oh, that was about—I should judge about 10:15.

Q. And the report that you got, then, was that the shooting that was done by a policeman, is that correct?

A. Yes, correct.

Q. Did you hear Mr. Patrolman Ickes testify today?

A. Part of it, yes.

Q. Did you hear him state that at 10 o'clock that he was walking around with a loaded tear gas gun in front of C. I. O. headquarters?

A. No.

Q. Well, do you know whether or not he had a loaded tear gas gun at about 10 o'clock?

A. I couldn't tell you that.

Q. What time did you arrive at Cleveland Avenue?

A. I arrived there about ten fifteen, I guess, something like that. I come downtown and stopped over on the east side of the viaduct.

Q. Did you see any officers there carrying arms at that time?

A. Carrying any?

Q. Arms? Carrying arms?

A. Where?

Q. On Cleveland Avenue?

A. Why, yes, all—no. You mean when I got back over to the east—

Q. At 10:15? When did you come over to Cleveland Avenue?

A. Well, I was over there twice or three times.

Q. When were you there the first time?

A. Well, I was there about 10:15, the first time.

Q. At that time did you see the officers carrying any arms?

A. No, I didn't get up that far at that time. I stopped down at the corner of Cleveland Avenue and Oberlin Road, and I stopped there to talk to the man, and I turned my car around. Stayed there with the four men that were standing on the post there. There was only two there during the regular change, and there was four there at that time.

Q. When did you go there the second time?

A. Well, that, there was about—oh, I should judge about five or ten minutes to 11:00. No, the second time I went across—I went back and forwards there several times. I can't just tell you the time.

Q. Well, after the first time you were there during the second or third visit, did you get up as close as 100 feet from the C. I. O. headquarters?

A. Oh, yes.

Q. Did you see any of the officers armed at that time?

A. Armed?

Q. Carrying arms, revolvers, guns or tear gas guns?

A. Why, they were all armed, certainly they were all armed.

Q. Did you see them carrying tear gas guns?

A. I didn't see any.

Q. You didn't see Patrolman Ickes there?

A. No.

Q. You expected trouble on July 11th, is that correct? The evening of July 11th?

A. No, I didn't expect any trouble, no. I hoped there would not be any.

Q. What was the reason that you assigned additional policemen at Cleveland Avenue?

A. Well, just to keep down—just for effect only, to keep down the resistance of the crowd.

Q. What is that?

A. It was to—oh, the crowd was much larger than usual.

Q. You assigned them at 10 o'clock, didn't you?

A. Oh, no. Oh, no. I told Ickes to—about the only one I assigned down there, at 10 o'clock, was Patrolman Ickes. And I told Ickes to go down there because there wasn't anything—the Union Drawn Steel was not working that night, and there wasn't any use of him going to the Union Drawn Steel. I says, "You might as well go down there tonight, report"—

Q. When did you call your additional policemen?

A. Additional?

Q. On Cleveland Avenue?

A. I didn't call for any additional.

Q. Didn't you ask, that evening—

A. No, sir.

Q. Order additional policemen over?

A. No, sir.

Q. Do you know how they happened to come there?

A. No, sir.

Q. It was not pursuant to your instructions?

A. No, sir.

Q. How many policemen were there at most, on Cleveland Avenue, that night?

A. Oh, well, on Cleveland Avenue there would be—let's see, there would be eight, twelve—there would be twelve, and then, let's see, there would be twelve—then there would be four down there where they had—well, about a block or so of there, would be seventeen— 13, 14, 16, 18—there would be about 20, within a radius of about a block, there. Two of them is right at the corner—four of them

is on top of the hill there on Duncan Street. There were four there. There were four at the viaduct on the west end of the viaduct at No. 1 gate; there were four right at the corner of Cleveland Avenue and Oberlin also. Then there was the balance of them up in front of the C. I. O. headquarters.

Q. What time of the night was it that Fellabaum shot out the headlights of one of the cars?

A. Oh, that there was about 11:15.

Q. What was the conversation with Fellabaum at that—that Fellabaum had with the person who was in the car?

A. Oh, the fellow drove up with a car and he flooded all the police officers out there with all of the bright lights and just scattered the lights all over the whole area. And Fellabaum says, "Turn out those lights." The fellow turned out the lights and got right back in and turned them back on again and Fellabaum says, "If you don't turn those lights out, I will shoot the damn things out." The fellow didn't turn them out, so Fellabaum just shot one out.

Q. About what time was it that you started to walk toward C. I. O. headquarters with Officer Henderson?

A. 11 o'clock.

Q. How far did you say you had gotten, when some shots were fired?

A. About 50 feet.

Q. Did you say there were five shots fired?

A. Yes, sir.

Q. Maybe four?

A. No, it was five. Five distinct shots.

Q. You are sure of the number?

A. Sure enough.

Q. Sure it wasn't four?

A. No, sir. Those looked bigger—those flashes looked bigger to me than mountains.

Q. You were on the street, and in back of you about

50 feet in back of you there were policemen lined up, is that correct?

A. Yes, sir.

Q. And those five shots came behind you and Officer Henderson, is that correct?

A. Correct.

Q. They came directly in front of the C. I. O. headquarters; the steps of the headquarters, is that correct?

A. Yes, sir.

Q. Do you know whether or not any officers were shot that night?

A. No, sir.

Q. What is that?

A. No, they weren't.

Q. None that were hit by those five bullets or any other bullets?

A. No, sir, there weren't.

Q. Do you know about one man being shot that night?

A. I heard of it.

Q. You heard that two were killed, is that correct?

A. No, I didn't.

Q. What?

A. No, I didn't.

Q. How many were hurt then?

A. One.

Q. Do you know what kind of bullet hit him?

A. No, I don't.

Q. Do you know it was a bullet?

A. I don't.

Q. What have you heard it was?

A. I haven't heard anything.

Q. Did you ever report your findings of what happened that night?

A. No, I didn't.

Q. You didn't cease your duties until next Thursday?

A. That is right.

Q. You didn't make any investigation of the people that were killed?

A. No; the Chief of Police was on duty and I thought it was his job.

Q. Where was this fellow with the machine gun?

A. He was over on the west side; on the first tile building on Cleveland Avenue.

Q. You testified that in your opinion it was bird shot that came out of the machine gun; is that correct?

A. Correct in my opinion.

Q. Are you still willing to testify that no 45 bullets came out of that sub-machine gun?

A. No.

Q. Well, I am not so sure of your answer. Did you say that none did come out of that gun?

A. No, I would not say that it didn't because I didn't know.

Q. Are you saying that some 45 sub-machine bullets might have come out of the gun?

A. What?

Q. What kind of bullets came out of the gun?

A. I can't say.

Q. Did you say on direct examination that bullets came out of the gun?

A. That was what was used.

Q. Did you say that they were 45 bullets that came out of that machine gun?

A. No, I didn't.

Q. You would not testify to that?

A. I don't know; I wouldn't testify to that. I didn't handle it.

Q. After that you sent for tear gas, is that correct?

A. Correct.

Q. About what time of the night did you send for tear gas?

A. About 11:15 or 11:30.

Q. What is that?

A. I think it was about between 11:15 or 11:30; something like that.

Q. You went to the headquarters of the Republic Steel Corporation near the C. I. O. headquarters? You called on the telephone?

A. Yes.

Q. You said you didn't know to whom you spoke to, is that correct?

A. Correct.

Q. But you asked them to send tear gas and they sent it; is that correct?

A. No; we sent around the cruiser to get it.

Q. Who sent for the tear gas?

A. I don't know.

Q. Did they bring any back?

A. I didn't see it when they got back. I wasn't there when the car came back.

Q. You said the police cruiser went after it; is that correct?

A. Correct.

Q. You say you didn't see the car when it came back?

A. No.

Q. Didn't see what was brought back from Union Drawn?

A. I didn't see the amount that was brought back, no.

Q. Are you willing to testify that you didn't see 25 cartridges of tear gas brought back?

A. I saw 25 cartridges but I didn't know the amount that was brought back. I saw about 25 cartridges but I didn't know the amount that was brought back.

Q. But you knew at least 25 cartridges were brought back?

A. Yes.

Q. You did know that?

A. Yes.

Q. Do you know whether or not somebody requested any gas from the Union Drawn?

A. No.

Q. Were you told of it?

A. No.

Q. No one told you that he had sent over for some?

A. You mean somebody? A police officer?

Q. Yes.

A. Yes, he told me. He said he had sent for tear gas. "We made a request for tear gas."

Q. Where had he made a request for tear gas?

A. National Drawn Steel. He told me he had sent for it after.

Q. During the entire evening of July 11th, do you know how many shots were fired?

A. Five.

Q. How many shots did you see coming out?

A. Five out of the steps.

Q. Did you see some shots other than those five that night?

A. I didn't.

Q. Then a total number of shots you saw coming out of the C. I. O. headquarters—

A. Right.

Q. —was five?

A. That is right.

Q. Have you examined the C. I. O. headquarters after July 11th, 1937?

A. No.

Q. Were you there the next day when you posed for that photographer?

A. I was in front of it.

Q. Did you look at the building at all?

A. I beg your pardon?

Q. Did you look at the building at all?

A. No, it was full of gas.

Q. Did you look at it from the outside?

A. Yes, just casual.

Q. Did you make any estimate of the number of shots that entered that building?

A. No.

Q. Do you know whether or not there were more than five that entered that building?

A. Pardon?

Q. Do you know whether or not there were more than five that entered the building?

A. Went into the building?

Q. That is right.

A. I couldn't say.

Q. Do you know whether or not any of the police officers fired off revolvers?

A. I couldn't say.

Q. Did you see them use any tear gas?

A. Yes.

Q. Whom did you see use the tear gas?

A. Johnson, Kelley, Ickes. Let me see, there was somebody else. There were five men—I don't know.

Q. What is that?

A. There were five guns going. Five tear gas guns going.

Q. How long were they going?

A. I don't know how long they were going, to tell you the truth. Maybe 10 or 15 minutes or a little more.

Q. Maybe an hour or a half an hour?

A. Maybe. I will tell you—shooting went on every once in a while. When the Canton police got there they gave way to it.

Q. Did you see any of the men led into the National Guard trucks and taken to the jail?

A. I saw them pass me; I didn't see them loaded.

Q. Didn't you know that Henderson had broken into some of the houses and had taken some of the men?

A. I didn't.

Q. Who had broken into the houses? Were you informed?

A. I didn't know.

Q. What was that?

A. I wasn't in that locality.

Q. Were you told anything about sheriffs or deputies or the National Guardsmen making arrests in that vicinity?

A. I heard they were making arrests. They said they were up in there and made arrests; and they went into some places. That they took out as high as 30 men. 30 or 40 men in the houses.

Q. Were you told whether or not they found any weapons?

A. No, they didn't say anything about that.

Q. Was the Union Drawn Steel owned by Republic Steel Corporation?

A. I couldn't say; I think it is. I am pretty sure.

MR. LAUTER: I think that is all.

MR. PONTIUS: Is that all, Mr. Lauter?

MR. LAUTER: Yes.

Redirect Examination

Q. (By Mr. Pontius) Major, you were asked by Mr. Lauter concerning your acquaintanceship with Mr. Meyers and Mr. Case. State whether or not any officer of the Republic had anything to do with your activities in the manner you have described.

A. None at all, sir.

MR. PONTIUS: That is all.

(Witness excused.)

LEO KELLEY

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Pontius) What is your name?

A. Leo Kelley.

Q. Where do you live, Mr. Kelley?

A. 219 Rose Avenue, S. E., Massillon, Ohio.

Q. Your business, please?

A. Police officer of the City of Massillon.

Q. How long have you been a police officer of Massillon?

A. About 22 months.

Q. Prior to that, what were you doing?

A. Deputy sheriff of Stark County.

Q. Now, where were you on the evening and night of July 11th last?

A. I was stationed about 10 o'clock on Cleveland Avenue, S. W., about a hundred foot south of the C. I. O. headquarters.

Q. And were you on duty at that time?

A. Yes, sir, I was.

Q. Now, what time did you go to that point?

A. A few minutes after 10.

Q. That is 10 in the evening?

A. Yes, sir.

Q. What did you observe with respect to the vicinity around that C. I. O. headquarters? At that time?

A. Well, on that particular evening the crowd was much more numerous than usual, and I noticed that after we had been there a short while that they weren't changing pickets. About half the pickets were off the picket posts and no one came forth to replace them. The streets were full of people, and the place in front of the C. I. O. headquarters was crowded, and a vacant house on the alley was crowded with people; and the whole crowd just seemed to be working in a restless mood.

MR. LAUTER: I move that the characterization be stricken from the record.

TRIAL EXAMINER LINDSAY: Yes, it may be stricken from the record.

Q. Now, can you describe more specifically the attitude of the crowd there?

MR. LAUTER: I object to the form of the question.

TRIAL EXAMINER LINDSAY: I will sustain that objection.

Q. If you can, Officer, describe the appearance of the crowd there that you have told about?

A. Well, the people were all roughly dressed. The majority were what I would term in working clothes, and they seemed to be milling about a good deal.

Q. What do you mean by "milling about?"

A. They were restless. None getting in any one position for a great deal.

MR. LAUTER: I move that the answer be stricken from the record.

TRIAL EXAMINER LINDSAY: That latter part of the answer may be stricken from "restless" on.

MR. PONTIUS: Will you read that answer?

(The last answer was read.)

Q. Were you there when the shooting began, Mr. Kelley?

A. Yes, sir.

Q. At any time prior to that time, did you hear any call from the crowd or anything of that kind?

A. Well, they had been—Officer Ickes had been up towards the front and he had called for a cruiser. He was evidently going to make an arrest but we had no cruiser available at the moment other than the one we had our ammunition in. He came walking back towards our line and I told him as quick as we could get a car—and he said there was a drunk there causing a disturbance and using a lot of profanity.

Q. Now, what other officers were there at that post at the time you got there?

A. I don't remember who was on duty that afternoon. When I arrived I believe Special Officers Henderson, Kraft, Creger, and Johnson, Packer, Hemperle and myself.

Q. What was that name?

A. Hemperle.

Q. Now, you say you had a cruiser there?

A. Yes, sir.

Q. Who operated that cruiser?

A. I did on that particular evening.

Q. What ammunition did you have in the cruiser?

A. Oh, possibly on that we had 22 or 24 gas shells.

Q. And where had they been put, in the cruiser?

A. We had been carrying them in a pasteboard box in the truck, and that was the normal position for them, but every time we went into a crowd or into a situation where we possibly expected we might need them, we moved them into the rear seat there, so they would be available.

Q. How long had that ammunition been carried in the car?

A. Ever since the National Guard had left town, to the best of my knowledge.

Q. What first attracted your attention, other than this crowd, there, before any shooting occurred?

A. The fact that they did not change the pickets.

Q. Had you been down on that post prior to that time, at the change?

A. I practically lived there ever since the strike started.

Q. By "changing pickets", describe what you mean?

A. Well, pickets at that particular time were working three eight-hour shifts. They worked from seven in the morning until three in the afternoon; from three in the afternoon until eleven at night and from eleven at night until seven in the morning.

Well, along about 10:15 the picket captain would begin to line its relief men up and they would change one post, and the incoming post would come out to the dead line and the boys would walk on down, and check their picket cards and as they started on down, the picket captain would call the four that was being relieved.

Now, they had about five posts there that were either in whistling distance or sight of the Cleveland Avenue, at the particular spot where they checked the pickets in and out. But of course, that took—

Q. This place where you had your officers lined up, was that one of the places they checked in and out?

A. Yes, that was the only place they checked in and out.

Q. That had been arranged, before that?

A. Yes, sir; that had been set up for quite some time.

Q. For the five picket posts?

A. Yes, sir.

Q. Now, after noticing that that was not done, that night, what first attracted your attention, then?

A. Well, it was very noticeable, there were no children, no women in the crowd.

Q. How was it prior to that time?

A. Prior to that, why—well, to begin with, it was the largest crowd I had ever noticed up there, at the hall, since the first day or so, that the guard was in. The crowd had rather dwindled off, and oh, they averaged possibly fifty to 75 or 80 people there, every day. That is, they were coming and going all the time. And of course, there was the usual number of women and children and so on and so forth in the crowd.

Q. And what next attracted your attention?

A. Well, we had heard reports from the fracas at the end of the viaduct, and it was only a few minutes after that that we received a report of a switch engine crew being

stoned down at the blast furnace while they were attempting to complete a switch.

Q. Then what did you next notice there, right there at your place or position?

A. Well, the next thing that occurred, an automobile was driven up and parked on the west side of the street; the driver got out of the car, left the lights burning. They were shining directly down the road and into our face, and it was partially blinding us.

Someone called out for him to turn the lights out, and the man had taken, oh, possibly three or four steps away from the car, and he turned and went back and turned the lights off.

And someone called out from the vicinity of the CIO headquarters, and he used a string of unprintable words, and ordered this man to turn the lights back on, and he immediately went back to the car and snapped the lights back on.

Then, with that, Captain Curley started forward, I presume with the intention of turning the lights—

Q. No.

TRIAL EXAMINER LINDSAY: No.

Q. You can't tell what you presume.

A. Well, he went forward to turn the lights off.

MR. LAUTER: May we have the last answer read?

(The last answer was read by the Reporter.)

MR. LAUTER: Who went forward to turn—I didn't get that.

MR. DAY: Captain Curley.

THE WITNESS: And as he passed me he told me to cover him.

Q. (By Mr. Pontius) Now, what weapon did you have?

A. I had a gas gun, inch and a half caliber, and as Curley advanced there I was in the center of the street, possibly about 40 or 50 feet, behind him. When he got up

within oh, approximately 15 feet of this automobile, why there was a volley of rocks thrown and someone fired five shots from the revolver, in the vicinity of the CIO Hall. The shots were fired in rapid succession.

And with the shots and the stones, the crowd surged forward and I released the tear gas shell, about eight or twelve foot over their heads.

And with that, firing started simultaneously on both sides, and as the thing went on for a minute or two, why we were being shot at from our left, or to the west side of Cleveland Avenue; and when I discovered that, I dropped back a few feet in the attempt to locate the shots and try to stop it, try to put a stop to it.

And there were several shots come from over there, and we shot some tear gas shells over into the field, and in a few seconds after that why we were being fired upon from the right. We attempted, though you couldn't see anything over there, you could hear the bullets, you could tell by the report that they were coming from apparently in the gulley down in there.

Q. Now your right at that time would be what direction?

A. I beg your pardon?

Q. Your right, coming from the right, what direction?

A. Which would be east of us.

Q. Yes, your left was to the west?

A. That is right.

Q. Now go forward and tell in your own way just what occurred there?

A. Well, the first volley only lasted, oh, possibly three or four minutes, and the crowd broke.

Q. Yes.

A. That is, the crowd on the street dropped back, they got behind houses and took to cover.

It was only a few minutes later that they reappeared about, oh, possibly 200 yards up the street, rather a group

of them formed, and there were five shots fired down in rapid succession apparently from a light calibered gun, from this crowd, and we used more gas on them and drove them back a couple more blocks, and there was a lull just for a minute or two, and then there was some more shooting from down in there, and we retaliated with tear gas.

Q. By "down in there", where do you mean?

A. Well, that would be about the intersection of McKinley and Cleveland Avenue.

Q. Let's go forward and tell what occurred there.

A. None of our men—well, as quick as the firing started, the four deputy sheriffs stationed at the main gate of the Republic Steel—as quick as the firing started they moved up to our assistance, and they brought up quite a bit of tear gas with them.

If I remember right, they drove their car up, it was loaded with gas. And shortly after the thing started, there were two more deputies that lived in Massillon, came in, and it wasn't very long after that that two carloads from Canton arrived, and then the Canton police came in.

When the Canton police arrived they started up the street in an armored cruiser, and someone stepped out, just as they started someone stepped out, half way up the street, and took a deliberate aim and fired five or six shots out of apparently an automatic pistol, straight down the street.

Q. From what point did that come?

A. That was from the west side of the street, about George Blaga's store.

Q. George Blaga?

A. Blaga.

Q. Where is that store located?

A. It is located on Cleveland Avenue.

Q. Where, with respect to—

A. Would be north—

Q. With respect to McKinley?

A. Well, about, oh, maybe 75 feet south of McKinley,

on Cleveland. And with that, I was sent together with Officer Johnson over to assist Schlinger at the east end of the viaduct.

Q. Did you move up into that section above or about the CIO Hall at night?

A. No, sir, I did not.

Q. You remained down below, there?

A. We tried to advance once. Gas was too strong, it was impossible to do so. We dropped back, held our positions until the Canton police arrived.

Of course, they had gas masks with them, and that enabled them to penetrate on up in there.

Q. You didn't go up?

A. No, sir, I didn't.

Q. Do you know whether any officers were up there, when you were up, that night?

A. None of the officers that were there when the thing started, went by the CIO Hall. Several of them tried it, but they couldn't make it. They had to come on back.

Q. Now, you had said you shot these tear gas bombs. I will ask you if you shot any lead?

A. No, sir, I did not.

Q. During this entire occurrence?

A. No, sir.

Q. Do you know what the other officers shot there?

A. I can't state positively. I know some of the boys were armed with shotguns, and we all had pistols.

Q. Do you know whether they used their pistols?

A. No, sir; I can't say.

Q. Now, you have said you went there with a cruiser. Do you know where that cruiser was stationed on Cleveland Avenue?

A. It was parked right in the center of the street at approximately, oh, 100—150 feet south of the CIO headquarters.

Q. Which way was it headed?

A. North.

Q. Did you observe anything about that cruiser after this? Any marks of any kind?

A. Why, the second cruiser—the one that I was driving was parked—when I parked there the other car was sent out and come back and that was parked on an angle.

Q. Parked on an angle?

A. Yes, sir, and after the thing was over, or rather, after it had started and the shooting started from our right, down there, I heard the impact of a bullet into the car; and after it was all over there was a bullet hole in the door, right front door.

Q. Where was that second cruiser parked from the headquarters? CIO headquarters?

A. Oh, about parallel with the first one, about 120 feet.

Q. From what side of Cleveland Avenue did that bullet go?

A. It had to come from the east side.

MR. PONTIUS: I think that is all we have to ask Mr. Kelley.

Cross Examination

Q. (By Mr. Lauter) Mr. Kelley, how long have you been on the police force at Massillon?

A. About 22 months.

Q. Before that you were deputy sheriff?

A. That is right.

Q. You came to the CIO headquarters on July 11th about 10 o'clock?

A. That is right.

Q. And Officer Ickes was there?

A. I do not think he was there when I arrived.

Q. How soon after that did he get there?

A. About—well, a few minutes. You see, we changed shifts, 10 o'clock, and most of the boys come in a few min-

utes early, and as our crew arrived, we jumped in the car and away we went without any particular reference to time, but it was between—

Q. Did you see him after he had walked over to a position near the CIO headquarters?

A. Yes, sir.

Q. Did you notice whether or not he was carrying his tear gas gun at that time?

A. I don't think he was, not right at the moment.

Q. What is that?

A. I don't think he was, right at that particular time, no, sir.

Q. Well, did you see him carry the tear gas gun, a loaded tear gas gun prior to 11 o'clock that night?

A. Yes, sir.

Q. Was he walking with a loaded tear gas gun from where the police were lined up to approximately the position some 30 or 40 or 50 feet opposite the CIO headquarters?

A. No, I never seen him with his gun out ahead of the line.

Q. What is that?

A. I never seen him ahead of the line with the tear gas gun.

Q. You testified about covering Major Curley at one point.

A. Yes, sir.

Q. Will you state again when that was?

A. I beg your pardon?

Q. Will you state when that was, what time of the evening that was?

A. Well, I can't tell you the exact time.

Q. Well, was it before 11 or after 11:00?

A. Well, it was prior to the start of the fight up there, just a few minutes, or within a few seconds, rather.

Q. Was that the time that the headlight was shot out?

A. Yes, sir.

Q. I want you to be absolutely certain of what you are saying now. Captain Curley spoke to you about going up to speak to the man in the automobile, is that correct?

A. Will you repeat that question, please?

MR. LAUTER: Will you read that?

(The last question was read by the reporter.)

A. No.

Q. Well, what did Captain Curley say to you?

A. Captain Curley told me, he says, "I am going up. And cover me."

Q. Did you say something about Curley going up to request that man in the automobile to turn his lights off?

A. You had that stricken out.

Q. What is that?

A. You had that stricken out, I believe.

Q. Never mind what I had stricken out; just answer whether or not you didn't testify to that effect?

A. No, sir; I didn't.

MR. LAUTER: Will you find the direct examination of this witness, Mr. Reporter, and start at the point when he discussed Mr. Curley approaching the automobile?

(The record was read by the Reporter as follows:

"Q. Then what did you next notice there, right there at your place or position?

"A. Well, the next thing that occurred, an automobile was driven up and parked on the west side of the street; the driver got out of the car, left the lights burning. They were shining directly down the road and into our face, and it was partially blinding us.

"Someone called out for him to turn the lights out, and the man had taken, oh, possibly three or four steps away from the car, and he turned and went back and turned the lights off.

"And someone called out from the vicinity of the

CIO headquarters, and he used a string of unprintable words, and ordered this man to turn the lights back on, and he immediately went back to the car and snapped the lights back on.

"Then, with that, Captain Curley started forward, I presume with the intention of turning the lights—

"Q. No.

"TRIAL EXAMINER LINDSAY: No.

"Q. You can't tell what you presume.

"A. Well, he went forward to turn the lights off.")

Q. Is the testimony that you have given correct?

A. I don't understand it at all.

MR. LAUTER: Will you read the question?

(The last question was read.)

A. I know, but I don't understand it, in view of the fact of what was just read there.

Q. Did the testimony which you have just given on direct examination and which has just been read correct?

A. I presume it is.

Q. Don't you know?

A. I presume it is; it is down in the book.

Q. Don't you know whether it is correct or not regardless of whether it is in the book?

A. I understood, sir, that a portion of that had to be stricken.

TRIAL EXAMINER LINDSAY: That doesn't make any difference; answer the question.

A. I can't answer that; I don't understand it.

Q. You know whether you are telling the truth?

A. I do.

Q. That is what I want to know. Isn't it true that Curley wanted to turn the lights off?

A. I imagine so.

Q. Did he say anything about turning the lights off?

A. Yes, sir.

Q. Did he give you any reason why during the conversation about the lights?

A. Nothing except that he was going forward.

Q. He said nothing about the lights?

A. Not to me.

Q. When were the lights shut off? Was that before the general shooting started?

A. Yes, sir.

Q. Fellabaum shot the light out of that car before the shooting occurred?

A. No. Let me recall about that. That was before the fracas.

Q. Don't you know which statement is correct now?

A. The last one.

Q. The first statement was incorrect?

A. Yes, sir; I am sorry.

Q. Was there any other testimony that you wish to change?

A. No, sir.

Q. Now, how many shots were fired in the C. I. O. headquarters?

A. Five.

Q. Where were you at the time they were shot?

A. About the center of the road; approximately a hundred to 110 feet south of the C. I. O. headquarters.

Q. What was the next time that you heard some shooting in that direction?

A. Why, just a short time had elapsed when the shots started going over to the right.

Q. Then did you hear some more shots fired?

A. Yes, sir.

Q. In that direction?

A. Yes, sir.

Q. Did the police fire any shots?

A. I think they did.

Q. Don't you know if they did?

A. I can't state positive.
Q. Did you fire any?
A. No, sir.
Q. Did you have your gun that night?
A. Yes, sir.
Q. You didn't fire it?
A. No, sir.
Q. What is that?
A. No, sir.
Q. When did you get the tear gas gun?
A. I beg your pardon?
Q. When did you get the tear gas gun?
A. I had the tear gas gun from the day the National Guard moved out. That was in the car I was working in.
Q. Did you expect trouble that night?
A. Well, we always expected trouble during that particular time.
Q. Did you expect trouble that particular night?
A. Well, yes, we were waiting for it.
Q. Who told you to prepare for it?
A. It was just a sort of general feeling that it was going to happen. There had been an awful lot of rumors floating around that the boys had been receiving.
Q. You were pretty restless?
A. I wasn't; I didn't load my gun.
Q. You didn't unload your tear gas gun?
A. What is that?
Q. You didn't unload your tear gas gun?
A. Yes, sir.
Q. You loaded it?
A. Yes, sir.
Q. When did you load it?
A. When things began to look bad.
Q. Didn't you have it loaded when Curley spoke to you?
A. Yes, sir.

Q. Things had been happening?

A. It didn't look good. The fracas in the viaduct and the stones and the two men in the cars on the bridge.

Q. Did you hear any reports about the viaduct?

A. Yes, sir.

Q. Did you hear them from policemen that had been shooting there?

A. Sir?

Q. Did you hear them from policemen that had been shooting there?

A. No, sir.

Q. Did you hear the shots?

A. I heard the shots.

Q. But you didn't know the policemen had shot?

A. No, sir; I didn't know. I just heard the shots.

Q. How many police were there on the night of July 11th, lined up across the street?

A. Well, when the things started, to the best of my knowledge, I would say 14 or 16 men.

Q. Were they lined up right across the street?

A. No, sir; they weren't in a line, rather in an irregular formation scattered out.

MR. LAUTER: That is all.

MR. PONTIUS: That is all.

(Witness excused.)

TRIAL EXAMINER LINDSAY: Adjournment until 9:30.

(Whereupon, at 5:10 o'clock p. m., September 7, 1937, the hearing in the above-entitled matter was adjourned to 9:30 o'clock a. m., September 8, 1937.)

Courtroom No. 1, Stark County Courthouse, Canton, Ohio
Wednesday, September 8, 1937

The above-entitled matter came on for hearing, pursuant to adjournment, at 10 o'clock a. m.

Before:

John T. Lindsay, Trial Examiner.

Appearances:

Mark Lauter, Esq., Oscar Grossman, Esq., and Joseph A. Hoskins, Esq., appearing for the National Labor Relations Board.

Luther Day, Esq., Thomas F. Veach, Esq., and Arno G. Erdrich, Esq., (Cleveland, Ohio), and H. C. Pontius, Esq., (Canton, Ohio), appearing for the Respondent.

PROCEEDINGS

TRIAL EXAMINER LINDSAY: The hearing is called to order.

AUSTIN F. KRAFT

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Pontius) You are Mr. Austin F. Kraft?
A. Yes, sir.
Q. Where do you live, Mr. Kraft?
A. 2835 Lincoln Way, N. W., Massillon.
Q. How long have you lived in Massillon?
A. 36 years.
Q. Is that all your life?
A. That is right.

Q. What is your business, Mr. Kraft?

A. I am a City patrolman now.

Q. How long have you been a City patrolman in Massillon?

A. Well, I worked—I was a night merchant police for six years there and I was taken off the eligible list, and I—

Q. Taken off the eligible list, is that it?

A. Yes, sir.

Q. Where had you been working as a merchant policeman?

A. In Massillon.

Q. By eligible list, what do you mean?

A. Civil Service examination; that is required in the City.

Q. Now, state whether or not you had a regular station in the strike area from the time you were appointed?

A. I didn't have no regular station. I was stationed to the C. I. O. headquarters, however, about a week before the riot started.

Q. What were your hours?

A. 2 in the afternoon until 11:30 at night.

Q. How many days were you there at that station before the night of the riot?

A. I was there probably a week.

Q. Each day?

A. Every afternoon

Q. Now, I call your attention to Respondent's Exhibit 1, this plat. Could you indicate on the plat where your station was, Mr. Kraft?

A. I was stationed right down there (indicating).

Q. Indicating—

A. That is about where we were stationed (indicating).

Q. About the turn in the road?

A. That is it.

Q. And was that the location that you were in each day?

A. Yes, sir.

Q. For about a week?

A. Yes, sir.

Q. Did you go on that station on Sunday, the day of the riot?

A. Yes, sir.

Q. What time did you go on that station?

A. 2 o'clock.

Q. Were there any other officers detailed at that station that afternoon?

A. Special Officer Henderson and Creger. Special Officers.

Q. How long did you three men remain there together that afternoon.

A. We was there all afternoon; all during the turn we were supposed to work.

Q. Were there any others there during the afternoon than you three? I mean regularly posted there?

A. No, sir.

Q. What position were you in? Were you sitting down or standing up or how were you there that afternoon?

A. Oh, we used to move around. Had a car sitting there. We would go and sit on the running board or walk around, stay close the the post there.

Q. What car was there?

A. The car we had there for shelter, borrowed it from the garage.

Q. Was there any ammunition in that car?

A. No.

Q. During that afternoon I will ask you whether Mr. Henderson said to you—that is, this special officer, Mr. Henderson, about 5 o'clock in the afternoon, said to you this, or this in substance: That we are going to clean them up tonight?

A. He never said nothing like that to me.

Q. Now, Mr. Kraft, did anything occur around a little later that evening?

A. Yes, sir.

Q. About what time?

A. Well, between 6 and 6:30.

Q. Now, tell us what occurred at that time.

A. Well, Henderson and I and Creger were at the phone there and there was a fellow come walking out of CIO headquarters, come walking right down to us fellows.

Q. Do you know who that fellow was?

A. I know him by—I found out they called him "Humpy". That is the only name.

Q. Had you seen him around there prior to that time?

A. If I did I never paid any attention to him. I never paid any special attention to any of them, as far as that goes.

Q. Where did this man come from?

A. CIO headquarters.

Q. Just tell us where he came, and what was said.

A. He came down to the post where I was stationed, and he said to those fellows there, he says, "You better get out." I says, "Why?" He says, "Big trouble tonight, 11 o'clock." He said, "Between 500 and 1000," he says, "coming down," he says, "they will kill all of the police," he says, "and go into the mill and get the slabs." He couldn't say "scabs". He said "slabs". That is all he said to us fellows, he turned around and went back up to headquarters.

MR. LAUTER: May we have the time fixed on this, please?

MR. PONTIUS: Yes, he said between 6 and 6:30.

Q. Did you remain there up until the time of the riot, then?

A. Yes, sir.

Q. Later that evening, just what was the first thing that attracted your attention there?

A. Well, the unusual number of people there. There

was more than other nights at the headquarters, a larger crowd.

Q. About how many would you say were there at headquarters?

A. Oh, I would say 250.

Q. Where were these men or these people, these 250 people?

A. They were out in front of the headquarters, mostly, and off the middle of the street there.

Q. What was the usual crowd there, prior to that time, would you say?

A. Oh, in the evening they used to have probably 75 or 100.

Q. Now, was there anything in the street there in front of headquarters? Any vehicles of any kind?

A. Two trucks parked there.

Q. Where were the trucks parked?

A. Right in front of the CIO headquarters.

Q. Where were you, if you can tell us, along about 10 o'clock? Where were you stationed and where were you located there?

A. Well, I was right there at the post.

Q. Do you know where you were in the street or sidewalk, or where you were?

A. Do you mean when the trouble started, do you mean?

Q. Yes, when the trouble started, where were you?

A. I was about 100 feet south of the brick building on the west side of the road.

Q. Are there any sidewalks along there?

A. There is.

Q. Where were you, with respect to the sidewalk?

A. What is it?

Q. Do you know where you were, with respect to the sidewalk?

A. I was about, I would say, ten yards from the sidewalk.

Q. Ten yards off of the sidewalk?

A. West of the sidewalk.

Q. West of the sidewalk? What is the nature of the ground there? What kind? Open or closed, then, or what is there?

A. Open.

Q. What was the first thing that was called to your attention aside from what you have said, there, that night?

A. Well, all I remember talking about this—that they got pretty noisy up there and Curley said something about breaking them up. So I didn't pay much attention to that, and I was over there and heard them say they were going to break them up and Curley started up towards the bunch.

Q. Yes.

A. The crowd, rather, and when he got about fifty feet from the crowd, four or five shots rang out and stones flew, they started shooting from both sides.

Q. Now, you saw four or five shots fired. Where did they come from? Did you observe?

A. From the C. I. O. headquarters there some place.

Q. What, if anything, did you notice about any automobile coming up there on the street? Did you hear anything about it or see anything about it?

A. Someone pulled up there with an automobile. He stopped there and turned the headlights on. He had the headlights on the police.

Q. Did that occur before Curley started up the street or after he started up the street?

A. Right about the same time.

Q. Did you hear any talk there with respect to those headlights?

A. I heard someone holler to turn them out. He hollered to turn them out. In front of the C. I. O. headquarters he hollered to turn that light off.

Q. Now, did you have any firearms of any kind?

A. I had two guns.

Q. What?

A. I had two guns.

Q. What kind of guns?

A. A 38 special and a gas gun.

Q. Now, when this first shooting occurred, what, if anything, did you do?

A. I fired a shot out of this gas gun across the C. I. O. headquarters. It leaked gas out of the back of the gun. It shot in my face and my eyes watered and I could not see anything for several minutes.

Q. Where did you get that gas gun?

A. Out of the City car.

Q. Then after you fired this gun as you said, what happened? Did you recover so you could see?

A. I could not see for a long time afterwards. I would say 10 or 15 minutes later. I could not see much of anything; everything was blurred; my eyes was watered.

Q. Now, when you could see, go ahead and tell what you observed there.

A. Well, everything was about—all lasted 10 minutes until the shooting stopped. That is the way I figured. Then everything was quiet.

Q. Did you observe anything further after that; if so, tell us.

A. The men started gathering on the street up above, hollering at once, one thing and another.

Q. Above what?

A. Above the headquarters—north of the C. I. O. headquarters there on Cleveland Avenue.

Q. What, if anything, did you see occur then?

A. Well, the next thing I knew somebody says: "They are going to get some help." I don't know, somebody said that they ran out of gas, and they wanted to send after gas; and then they came back with gas and the Canton police came.

Q. Now, aside from this first shooting that you have told us about, did you observe any other shooting there that night?

A. There was shots coming from the north, some coming from the east.

Q. Could you locate the direction east of where you were from where these shots came?

A. Just about directly east of the post where we were stationed.

Q. Now, were you there when the Canton police came?

A. Yes, sir.

Q. Did you see what happened then?

A. Well, all they done was get out of the car down there, get in their armored car, and drove up through Cleveland Avenue, and threw gas—scattered gas around through there.

Q. What was the condition of Cleveland Avenue when the Canton police arrived there?

A. Well, they all left there as far as I could see.

Q. This was before the Canton police arrived or afterward?

A. No, they was there when the Canton police came.

Q. Then what occurred?

A. Well, they started shooting gas.

Q. What occurred with respect to the crowd? The people who were in the street there?

A. I don't know where they got to, later on I seen—later on the Guards came in, and I seen them bringing men down in the Army trucks.

Q. Did you go up north of where your station was that night?

A. I walked up about probably 75 yards.

Q. Any further than that?

A. No, sir.

Q. What did you observe when you went up there?

A. I met a fellow up there that I knew. I was talking to him. He told me—he said it sounded like an awful battle, and "You guys done a lot of shooting." I said: "How about the other guys?" He said there was only five or six shots fired there.

Q. Do you know who that fellow was?

A. Ted George.

Q. Do you know where he lives?

A. On Cleveland Avenue, N. W., of the C. I. O. headquarters.

Q. How far west of the C. I. O. headquarters?

A. I imagine 40 yards.

Q. How long did you remain on duty that night?

A. Around 1 o'clock.

Q. Then you left?

A. Yes.

MR. PONTIUS: I guess that is all. I just want to ask just one more question. I don't know if I asked it.

Q. You say you had a gas gun and a service revolver?

A. Yes, sir, a 38.

Q. I will ask you to state whether or not you shot your service revolver.

A. Never had it out of the holster.

MR. PONTIUS: All right. That is all.

Cross Examination

Q. (By Mr. Lauter) Do you know whether or not any of the other police shot that night?

A. They must have shot. I heard shots coming from that direction. I don't know who they was.

Q. Where the police were?

A. I heard pistols cracking.

Q. Do you know the police used pistols that night?

A. I could not say.

Q. Did you see any C. I. O. men fall to the ground?

A. No, sir.

Q. What was the name of the man you said some time between 6 and 6:30 that he was going to get the police?

A. Humpy.

Q. Humpy, you said?

A. He came right down to the post and told us.

Q. When did you find out that he was called Humpy?

A. Henderson told us.

Q. Did you know what Henderson did before he became a special deputy or special officer?

A. He worked in the mill.

Q. What was he, a foreman?

A. I don't know.

Q. Did he ever tell you whether he worked in the mill as a foreman?

A. He worked in the mill in 1929. He was there when I left. He was a timekeeper—working the time books.

Q. How long did you work for the Republic?

A. Twelve years.

Q. What?

A. Twelve years.

Q. What kind of work did you do there?

A. I worked in the office.

Q. Now, how did you happen to sever your connection with the Republic?

A. During the depression.

Q. They laid you off?

A. I was laid off after an argument with the boss.

Q. What is that?

A. Had an argument with the boss.

Q. You had a little argument with the boss?

A. That is right.

Q. And you say this man Humpy was drunk when he came over to the line of police?

A. He had a couple of drinks; I wouldn't say he was drunk.

Q. But he couldn't pronounce the word "Scabs?"

A. He said "Slabs."

Q. Is that because he was drunk?

A. I suppose because he couldn't talk good English.

Q. Was that the reason?

A. Yes.

Q. Later on you heard Curley say: "Break them up?"

A. I heard Curley say he was going to break them up.

Q. At the same time he went for this car, went for it with the headlights?

A. Yes.

Q. Did you see Fellabom shoot at the lights?

A. No, sir.

Q. What?

A. No, sir.

Q. Do you know what he did?

A. I don't know if he did it or not.

Q. What is that?

A. The windshield had a hole.

Q. Don't you know that Fellabom shot at the lights?

A. No.

Q. Were you there at the time?

A. Yes.

Q. If it had been, you would have seen it?

A. I told you when I shot my gas gun my eyes watered from the backfire.

Q. Did you see Fellabom there?

A. I know him.

Q. Were you the first one to shoot?

A. I think I fired the second shot.

Q. Who fired the first one?

A. I don't know; it came from the center of the street, and I fired the second one.

Q. Did this car come up before you shot your tear gas gun or after?

A. After.

Q. You were pretty well blinded?

A. My eyes were watering and I could not see.

Q. Your eyes were watering but how much could you see?

A. I could see blurry but nothing much.

Q. Did you see this car coming up?

A. I seen two headlights but I didn't see anybody in particular shoot the lights.

Q. Did you see one of the lights go out?

A. I saw the car after the thing was over.

Q. I mean, did you see anyone put out one of the lights?

A. I didn't notice; I don't know.

Q. How many men were there on the line of police on Cleveland Avenue before the fighting started?

A. You mean before the trouble started?

Q. That is right.

A. I would say about a dozen, something like that.

Q. Did you see Fellabom take that sub-machine gun out of the car?

A. Yes, he did that.

Q. About what time did you see him take it out of the car?

A. I don't know what time.

Q. What time did the fighting start?

A. I couldn't tell you the exact time of that; before 11 o'clock, I know.

Q. Before 11 o'clock; 5 minutes or 10 minutes after or a half an hour?

A. Probably 10 or 15 minutes.

Q. Somewhere between a quarter of 11 the fighting started, is that correct?

A. Yes.

Q. Before that time Fellabom had taken the sub-machine gun out of the car, is that correct?

A. He had it out.

Q. What is that?

A. Yes, he took the machine gun out of the car.

Q. Where did he go with the sub-machine gun?

A. I didn't follow him around.

Q. I didn't ask you if you followed him around. Did you notice where he went?

A. No.

Q. Where was he when he took it out of the car?
A. He was down the street.
Q. Where was the car located on Cleveland Avenue?
A. Somewhere in the street there.
Q. How far from the C. I. O. headquarters?
A. Below the post from where we were stationed.
Q. How far was that?
A. I don't know.
Q. What is that?
A. Probably 25 or 30 feet.
Q. How far was he from the car when you lost track of him?
A. I seen—he started walking across the street; I didn't pay no attention.
Q. Before the shooting started, Fellabom went to the police car and took out a sub-machine gun, and started walking across the street; is that correct?
A. As far as I know.
Q. You are testifying here what you do know.
A. I think that was what it was.
Q. Don't you know?
A. He took the machine gun out of the car. I don't know whether he started—
Q. What is that?
A. He took the sub-machine gun out of the car before we started—
Q. Now, what other weapons were taken out of the car before the shooting started?
A. Gas guns.
Q. Did you take your gas gun out before the shooting started?
A. Yes.
Q. How long before?
A. Oh, probably 15 minutes.
Q. About 15 minutes? That means about 10:30?
A. Yes.

Q. What did you do with the gas gun you took out of the car, a quarter of an hour before the shooting started?

A. Loaded her up.

Q. Loaded it up?

A. Sure.

Q. Why?

A. Well, I thought in case I need it I got it.

Q. What reason did you have to believe that you would need it?

A. Well, just from what that guy told me in the evening.

Q. Did you tell that to anybody else?

A. Well,they knew about it, sure. Curley knew about it.

TRIAL EXAMINER LINDSAY: Answer the question. Did you tell anyone else about it?

THE WITNESS: I reported it to Curley.

Q. (By Mr. Lauter) What did Curley say?

A. Well, he said that he would have some men down there, he would send some more men down to that post.

Q. Did Curley send for some more men?

A. Certainly. They come in.

Q. What is that?

A. He sent some more men down.

Q. How many more men did he send then?

A. Oh, there must have been eight or nine come down.

Q. Eight or nine more men came pursuant to Curley's request to have more men, is that correct?

A. Yes, sir.

Q. After you told him what this drunken man had told you?

A. That is right.

Q. Did the other men also load up their tear gas guns?

A. I don't know.

Q. What other guns did you see taken out of there?

A. That is all.

Q. How many?

A. I don't know how many they took out. I took one out and walked away from the car.

Q. How many did you see taken out?

A. There was four or five guns in there, gas guns, I know.

Q. And did they take them out?

A. I don't know. They must have took them out. I saw several of them walking around with them. Moore was—had one, Ickes had one, Johnson had one.

Q. Let me get those names again. Moore, Ickes, and who else?

A. And Johnson.

Q. Johnson? They took them out about the same time you did?

A. Yes.

Q. That was about 10.30, is that right?

A. Somewhere.

Q. And they were walking around in front of CIO headquarters or in that neighborhood, with these loaded tear gas guns?

A. How is that?

Q. They were walking around the vicinity of the CIO headquarters with loaded tear gas guns?

A. They were walking around, I don't know whether they had them loaded or not.

Q. You had yours loaded, did you not?

A. I had mine loaded.

Q. Did you hear Ickes testify he had his loaded?

A. I don't know whether he did or not.

Q. Don't you know Johnson and Moore had theirs loaded, too?

A. I didn't see them.

Q. Answer right up.

A. I didn't see them load them.

Q. You didn't see them load them?

A. No.

Q. Don't you know they were loaded for fifteen minutes they were walking around before the shooting started?

A. I don't know, I couldn't say.

Q. Now after Moore, Ickes and Johnson got the guns out of the car where did they go?

A. They scattered around, walked around the post down there.

Q. Walking up and down in front of the post?

A. They walked across the street, a couple of them did, they was walking around there.

Q. How close to the CIO headquarters did Moore get, for instance?

A. He was probably 100 feet.

Q. How close did Ickes get?

A. He was about the same distance.

Q. How close was Johnson?

A. I don't know where he was at.

Q. How close to CIO headquarters did you get?

A. I was about 100 feet from them.

Q. You were all carrying these guns in your hands, is that correct? Four of you?

A. Under my arm; I had mine under my arm.

Q. Under you arm? Loaded tear gas gun, is that right?

A. I had mine loaded. I don't know if the rest did or not.

Q. How many tear gas cartridges did you have on you?

A. I think I had eight.

Q. How many did you shoot off that night?

A. Five.

Q. You say you were the second one to shoot, is that right?

A. That is right.

Q. Where did the first shot come from, in front of you or back of you?

A. Came to the right of me.

Q. Well, what direction?

A. East of me.

Q. Was that on a line with you or in front or in back of you?

A. It looked like it came from behind where I was.

Q. Where were you when the shooting started with respect to Henderson and Curley?

A. I was about 900 feet south of the brick building.

Q. Were you in front of them or in back of them?

A. I was in back of them.

Q. And were you on the line of police that was about 100 feet from CIO headquarters when the shooting started?

A. Yes, sir.

Q. And you heard the shots come out of CIO headquarters?

A. Yes, sir.

Q. About how many shots came out?

A. Well, it was either four or five, I couldn't swear to it.

Q. Or six?

A. No, I don't think there was over five. It was either four or five come out.

Q. Do you think there may have been three? Are you sure it was not three?

A. I am sure that it was more than three. There was either four or five.

Q. Where did those shots go?

A. I don't know.

Q. You don't know? Did they go anywhere near Curley or Henderson, did you notice?

A. I don't know whether they came close to them guys or not.

Q. What is that?

A. I don't know whether they did or not.

Q. Did they come close to any of the fellows that were lined up?

A. You could hear them bullets whistle from the shot.

Q. Did they whistle near you?

A. Over our heads.

Q. What is that?

A. Over our heads is where they went.

Q. Where did you see the bullets come from?

A. CIO headquarters.

Q. What part of the headquarters?

A. The front part, close to the entrance some place.

Q. In the street or from the building?

A. From a little platform it looked like, in front of the building there.

Q. Do you know whether or not there is a platform in front of the building?

A. There is.

Q. When you say "platform" you don't mean steps, do you?

A. Just kind of a cement platform.

Q. What is that?

MR. DAY: Talk a little louder.

A. Kind of a cement porch in front there.

Q. Cement porch?

A. Cement floor there in front.

Q. Do you mean cement porch or cement floor, what do you mean?

A. Cement floor.

Q. Do you mean the sidewalk?

A. Yes, sir.

Q. And that is where the shots came from?

A. Up in there some place.

Q. From the sidewalk, is that right?

A. I can't swear where, right the exact spot where they come from, but they come from in there some place.

Q. I am trying to find out how—whether you know where they came from or not. Do you know where they came from?

A. I heard them in that direction, right in front of the—

Q. Did you hear them or see them?

A. I heard them.

Q. Were you facing the CIO headquarters when they were fired?

A. I was.

Q. You were? And you saw the direction they came from, is that right?

A. I heard the direction.

Q. You didn't see where they came from at all?

A. I didn't see them. I heard the direction they came from.

Q. Are you sure you didn't see where they came from?

A. I didn't see them come, but I heard.

Q. You were facing the front of CIO headquarters and you didn't see where they came from?

A. I didn't see where they came from, no.

Q. You testified about a man named Ted George?

A. What is that?

Q. I say you testified about a man named Ted George?

A. Yes, sir.

Q. Who is he?

A. He is the young fellow over there, has these skee-ball machines, one thing and another.

Q. Did you know him for sometime?

A. I have known him for quite a while.

Q. He is not a CIO member, is he?

A. No, sir.

Q. Is he hostile to the CIO, do you know?

A. No, sir.

Q. He is a friend of theirs?

A. As far as I know, he lives right up there.

Q. What did he say?

A. What did he say? There was only five or six shooting at the police.

Q. Did he say what they were shooting?

A. He didn't say, but he said there was only five or six shooting at the police.

Q. You say the shots came from somewhere on the cement sidewalk, is that correct?

A. That is what they sounded like to me, right part of the crowd, there.

Q. About how many people were there in that crowd?

A. I would say there was possibly 250 people there.

Q. The man who shot was standing right in that crowd, is that correct?

A. Somewhere in there.

Q. Is that right?

A. Yes.

Q. He was standing in that crowd?

A. That is right, it sounded like to me the shots came from right out from the crowd.

Q. But you didn't see who shot?

A. No, I didn't see who shot.

MR. LAUTER: That's all.

MR. PONTIUS: That's all, Mr. Kraft.

(Witness excused.)

WILLIAM FELLABOM

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Pontius) Please state your name.

A. William Fellabom.

Q. Where do you live?

A. 518 Lincolnway West, Massillon.

Q. What is your business?

A. Patrolman.

Q. How long have you been a patrolman in that city?

A. 13 years, four months.

Q. Now, in the strike area there, do you know the location of the Republic Steel Company property and CIO

headquarters?

A. Yes, sir.

Q. You are familiar with that situation there?

A. Yes, sir.

Q. Had you been down to that part of town after the strike was called, at all?

A. It was just about a week or so before the trouble was down there, I kept cruising around through that territory.

Q. You cruised around in what car?

A. In the regular passenger cars, Chevrolets.

Q. Was that the city car or your own?

A. City cars.

Q. Anybody cruising with you?

A. Yes, sir.

Q. Who was that?

A. A young fellow by the name of Holwager.

Q. Now, you may state whether or not you were on duty on July 11th?

A. Yes, sir.

Q. What time did you go on duty on that day?

A. 10 o'clock.

Q. And what were your regular hours at that time?

A. 10 to 6 in the morning.

Q. 10 at night until 6 in the morning?

A. Yes, sir.

Q. Now, when you went on duty that night where did you go?

A. Well, this—I come in the station about 9:30.

Q. Yes.

A. It started to rain a little. Cap Curley was in there and as soon as he saw me he says, "Bill," he says, "you better take your machine gun along tonight." He says, "They expect a lot of trouble," so I takes the machine gun and some ammunition there, we had, and got in the car and they hustled us right down there.

Q. Who drove the car?

A. I think Holwager was driving that night.

Q. Had you seen that machine gun before there? Whose machine gun was this?

A. That belonged to the city of Massillon.

Q. To your knowledge, how long had it been that the —

A. City?

Q. Yes.

A. At least six years. Seven years that I know of.

Q. What ammunition did you take down?

A. It was four clips, three clips of paper shells and one clip of 45's.

Q. How many shells in the clip?

A. 20.

Q. There is 20 in each one of them?

A. Yes, sir.

Q. You refer to paper shells, do you know how they were loaded?

A. They were loaded with fine bird-shot; paper on the outside and sort of a split like an X on the end so that after they go out they bust open.

Q. Do you know about the size of the bird-shot?

A. I should judge about No. 9's. Pretty fine shot, they are.

Q. Now, who went with you in the car down to this location that night?

A. Well, there was Holwager and I think Schlenger and there was one of the other boys. Generally they re-lap there, you see the ones that was riding before 10:00 o'clock, they would come in and pick up the next crew, and those four men would be together in the car at the time.

Q. How did you go down to this place that night? What direction, I mean? What streets did you use?

A. I went over Charles to Erie, and down South Erie to the viaduct and over the viaduct.

Q. Now, then, did Schlenger leave you at any time? Did Officer Schlenger leave you at any time?

A. Then we dropped him off at the other side of the viaduct. That is on the east side of the viaduct, and he generally takes care of the traffic over there by hand.

Q. How did you go over? Across the viaduct?

A. We crossed it in the car.

Q. Now, about what time was it that you got over to this location that you have described?

A. I will say around about 10:15.

Q. And when you got over there what did you do with your car, first? Where did you leave the car?

A. Before we left the station, Curley says, "I will be over there, close to where the line is, or close to the CIO headquarters," he says, "I want to see you over there." He says, "You fellows will have to be stationed over there," he says, "until things quiet down."

Q. The car that you went down there in, was that left there?

A. It was left in the rear of us.

Q. Now, when you got there did you see any other officers there?

A. Oh, there was at least, I should judge about 16 or 20.

Q. Who all did you see there?

A. I seen Johnson and Kraft, and one of the new men by the name of Davenport; Holwager was with me. I think there was one other by the name of Domer.

Q. Domer? Any others that you recall?

A. That is about all that I could recall, because I didn't stay very long after Curley—he told me to get over on the left-hand side, kind of southwest of where we stopped.

Q. You saw Curley there, did you, when you got there?

A. Yes, sir.

Q. Where did you go then? You say Curley told you to go to the lefthand side?

A. Over to the lefthand side, that would be the west side of the street, up close to this tile building that is right pretty near straight across from the CIO headquarters.

Q. How were you dressed at that time, Mr. Fellabom?

A. Uniform, raincoat on.

Q. Had it rained that night?

A. Well, it was raining.

Q. Now, did you take any ammunition with you when you got out of the car?

A. Yes, sir.

Q. What did you take out of the car?

A. Three clips that had the—we had a sort of a pouch, you know, on the gun, you put the gun in? Well, there is three or four pouches where these clips sets in, on the outside of that. That stays with the gun all the time.

Q. Now, describe this sub-machine gun, what it looks like?

A. Well, they are about that long (indicating).

Q. That is about two feet and a half long, would you say?

A. Around two feet long. There is a handle in front, just about eight inches back from the end of the barrel, there is another handle back behind and you have an extra stock if you want to use it, like a rifle. That is, if you want to put it up to your shoulder.

Q. It is not a round gun, or anything of the kind? Just a straight gun?

A. Well, you see the barrel is sort of air-cooled apparatus, the mechanism part is about that wide across, about an inch and a half wide over the back.

Q. You took that gun? Where did you carry it? I mean whereabouts on yourself did you carry it?

A. I carried the gun in my raincoat, because it was raining.

Q. What building or buildings were across the street from the CIO Hall there on Cleveland Avenue or were at that time?

A. The first building on the righthand side going in there is a tile building, then there is a frame building, two-story frame. This tile building is extra long, it used to be a bowling alley in there, and the front part of it is around about a story and a half.

Q. Where is that, with respect to the CIO Hall?

A. Sir?

Q. Where is that, with respect to the CIO Hall?

A. Straight, just about west, direct across.

Q. Now, where did you go then, when you got out of the car?

A. I went right up within about—around 20 or 25 feet from this building.

Q. On which side of the building?

A. The west side of the road.

Q. Now, how long did you remain in that position?

A. Well, I stayed there until around a little around 11 o'clock, there, a little after 11:00 when the trouble started. Then I was there about—well, after—until the Canton police came there.

Q. Now, from where you were, there, could you see the CIO Headquarters Building?

A. Yes, sir, very plainly.

Q. What, if anything, did you notice about the street in front of that building, before the trouble started?

A. Packed full of men.

Q. Anything else there?

A. Lots of automobiles on both sides.

Q. Can you describe further the character of the automobiles in front of the CIO headquarters?

A. There was cars parked all along the headquarters in this vacant lot, in—all along the road there.

Q. Can you describe further the character of the automobile directly in front of the CIO headquarters?

A. There was two trucks in front of the headquarters, two red trucks. One had a tarpaulin on and the other one was just a smaller truck.

Q. Which side of the street were those trucks?

A. It would be the east side of the street.

Q. Which way were they headed?

A. Headed north.

Q. What?

A. Headed north.

Q. With respect to the truck that had the tarpaulin on, was that farther north than the other one, or farther south?

A. Right square in front of the headquarters.

Q. Which truck was the farthest south, is what I asked you. Do you recall?

A. Well, the one with the tarpaulin on was right in front of the doors.

Q. Yes.

A. There was three doors in that building.

Q. That is leading into the front of this CIO headquarters? How many doors are there?

A. There is three doors in the front of the building.

Q. Now, did you hear any firing, the first firing, did you hear that?

A. Yes, sir.

Q. Where were you? Were you at this same location when you heard that?

A. I was at the same spot there all the time.

Q. Just tell what you saw with respect to that firing, when you saw it, where it came from? Tell us.

A. Do you want me to tell like the way I saw it?

Q. Yes, just tell the way you saw it.

A. Well, while I was stationed there, it was sometime —either 20 or 30 minutes, maybe 40 minutes, while I—there was a sort of a little knoll there in the ground there where

I was at along the west side of the street, and I could see on an angle right across to the CIO headquarters, and a bunch of men there, they seemed very restless, moving around—

MR. LAUTER: I move the remark there "seemed restless" be stricken out.

TRIAL EXAMINER LINDSAY: Yes, that is just—

MR. DAY: Well, "moving around", may that remain, your Honor? Or is that all stricken out?

TRIAL EXAMINER LINDSAY: How is that?

MR. DAY: Is it all stricken out?

TRIAL EXAMINER LINDSAY: No, just that they seemed restless.

MR. DAY: I see.

A. This man was right down, right to the edge of this tile building. I could hear them saying, "Come on boys, let's go through." They says, "We might as well cramp them sons-of-bitches down," they says, "We might as well die now and get it over with." I figured then that there was going to be something doing.

MR. LAUTER: May we fix the time?

MR. PONTIUS: He said 30 or 40 minutes after he got there, and he got there—

Q. (By Mr. Pontius) Can you fix the time that you had that conversation, Mr. Fellabom? If you are, will you do that?

A. Close to 11 o'clock.

And he seemed to be a little intoxicated—a man with a white shirt and a straw hat. I was out to the edge of this man. He says: "I am going through." Well, finally, he stopped at about 20 feet. He was very close to me. He says: "I am going through." I says: "You are never getting through here, Brother." I said: "You might as well go through the other way." He started back; then Curley, he walked up to the center of the street just about crosswise to the two buildings, and he hollered over to the C. I. O.

headquarters—he says: "A couple of you men take this man out of here before he starts to make any trouble." I noticed this man walked to the doorway in the C. I. O. headquarters while Curley was standing there. Stones started to fly. I saw the fire flying off the bricks there. I saw one of these hand grenades—a gas bomb—I seen them flying off the stones. That gas bomb didn't any more hit the road when the shooting started out the doorway.

MR. LAUTER: I ask that the witness' answer be read.

(The last answer was read.)

Q. Now, from your position could you see any guns from there?

A. I could see the flashes of the shooting; I couldn't see the guns.

MR. LAUTER: From where, will you fix the place? Over there is a little indefinite.

Q. I want you to tell just what you saw, Mr. Fellabom.

A. The fire was flying close from the top of the door, just like someone was standing up and holding a gun and shooting down like that (indicating). I could see this much.

TRIAL EXAMINER LINDSAY: Will you read that answer?

(The last answer was read.)

A. (Continuing) Just like someone was standing up in the doorway and a gun held like that (indicating). I could see that much on the truck.

TRIAL EXAMINER LINDSAY: You mean the gun was held up over his head?

THE WITNESS: Yes, it was higher.

TRIAL EXAMINER LINDSAY: Holding the gun up in the air? The shooting was down?

THE WITNESS: Yes.

Q. With respect to this truck, where was the location of this firing?

A. It was right behind the truck.

Q. That is from where you stood?

A. Yes, sir.

Q. Now, could you tell the direction in which these shots were fired; to which these shots were fired—in what direction?

A. They was coming towards our men. They were standing at an angle.

Q. From the position you were standing in at that time, could you see any part of the doorway leading into the C. I. O. headquarters?

A. About two feet of it; top and down.

Q. Now, where in respect to the doorway did you see these flashes?

A. Close to the top.

Q. Were you able to distinguish any person there?

A. No, sir. It was a tarpaulin over this truck; it hid the view of the front; but I could see—all I could see was about two feet around in top of the road.

Q. Could you see the man holding his hand up there? What did you see; just describe it further.

A. All I could see was this firing; this fire was flying close to the top of the door.

Q. Now, what if anything did you do at that time?

A. I turned the machine gun loose on that shooting out of the door.

Q. Did you do anything else at that time?

A. I shot over in there and then stopped, and then the boys—the rest of them was all shooting in there; shooting gas. They was close to me and it got so noisy you couldn't hear yourself think.

Q. Something has been said with respect to an automobile that ran up in there. Did you observe it?

A. There was a car coming in there just before the trouble started. I should judge about maybe 5 minutes before.

Q. Tell us about what you saw about that machine.

A. This car came down in there, and whoever was driving it pulled over to the right-hand curb, and he had his bright lights on. Someone hollered over there to put those lights on, and someone else hollered over the C. I. O. headquarters: "Turn them on, and keep them on." Of course that illumination was pretty bright there for the boys that was on the road there. This young fellow parked his car right along the curb, right near this tile building, and he still had those lights on. Then he jumped out of the car. Somebody hollered: "Turn them out or we will shoot them out." So I shot out one of the headlights. After he ran away from the car he left it sit.

Q. Was that before the other trouble occurred that you described?

A. That was before the trouble started.

Q. What instrument did you use to shoot that headlight out?

A. A machine gun.

Q. What kind of shot?

A. With fine bird-shot.

Q. How close were you to that machine at that time?

A. I should judge about 20 or 25 feet.

Q. Now, following what you have described, just go forward and tell—now, with respect to the shooting, after this thing that you have described at the doorway there, what direction did you aim your machine gun?

A. Over towards the shooting.

Q. When you shot out this headlight, were there any people around that car at that time?

A. No, sir, they all backed out and went back up the street.

Q. Did you shoot into the crowd of people there with your machine gun?

A. Not into the crowd; just over the top of this truck where the shooting was coming out of the doorway.

Q. Now, you have said how many time you have shot? How many times did you shoot there first?

A. About three times at the doorway.

Q. Then what occurred?

A. Well, there was so much firing around there, and I turned around looking where the firing was coming from, and I saw in the upstairs windows was flashes of shooting.

Q. By upstairs windows, you mean what?

A. Toward the buildings along the street on the right-hand side, on the east side of the road. I had taken a couple of shots at that and quieted that down. There was plenty of bullets flying around there. Even in the rear—close to the B. & O. tracks they was shooting at us.

Q. From what direction was that firing?

A. South of southeast.

Q. Just go forward and tell what happened there.

A. Someone hollered about shooting a couple of gas shells down in there, and someone did shoot a couple of gas shells in there, and that stopped the shooting down in there. Then there wasn't so much to do there for a little while until the Canton police got over there.

Q. Now, I will ask you did you fire your machine gun after that that you have told about?

A. After shooting at the door?

Q. Yes.

A. Different times at windows where there was firing; flashing out of the windows.

Q. Where were those windows located?

A. On the east side of the street.

Q. With reference to the C. I. O. hall, where?

A. Just north of the hall.

Q. What did you see coming from those windows, if anything?

A. Fire flashes.

Q. What buildings were they?

A. About three buildings was up through there—seemed like it was—everybody was in it.

Q. Now, what direction were those shots fired that came from these buildings, if you know?

A. Coming south towards us.

Q. Could you tell the character of the shots?

A. Well, some sounded like 38, some like 45's; and louder reports than others; and one sounded—it sounded like a rifle—like a high-powered rifle.

Q. Tell what you used in that sub-machine gun. What kind of ammunition?

A. Bird-shot; paper shell.

Q. Did you use anything else?

A. No, sir.

Q. That night?

A. No, sir.

Q. Had you been on this post prior to this night?

A. No, sir.

Q. How many people would say were there in the C. I. O. hall when you got down there?

A. Over 200; around 200 or 250.

Q. Where were they?

A. On the street, on the sidewalk, in front of the headquarters.

MR. PONTIUS: That is all.

Cross Examination

Q. (By Mr. Lauter) You have had considerable experience with machine guns, Mr. Fellabom?

A. Yes, sir.

Q. During the World War you used a machine gun?

A. Yes, sir; large ones—the tripod.

Q. Is that in the same regiment or battalion that Captain Curley was in?

A. He organized that company but he never went with

us. He never went across the Old Country with us. He was just—I should judge he was maybe about a year.

Q. The sub-machine gun that you used on July 11th was fired off with bird-shot, is that right?

A. Yes, sir. As Curley said, when I took the gun; he says: "Bill, what kind of ammunition have you got in there?" He asked me what kind. I said: "Nothing but bird-shot and paper shells." He said: "That is right; that is right; use them in there, Bill."

Q. When did he tell you that?

A. Sir?

Q. What time did he tell you that?

A. Right after I got out of the car when we landed there.

Q. What time was that?

A. A little after 10; about 10 or 15 minutes after 10.

Q. When did Captain Curley tell you that he expected trouble?

A. At the police headquarters.

Q. What time was that?

A. 10 minutes after 10.

Q. What time was that?

A. Sir?

Q. What time was it?

A. 10 minutes to 10.

Q. Now, these paper shells contained how many bird-shots?

A. How many is in one of them?

Q. Yes.

A. At least 50. Real fine shot.

Q. You know something about those paper shells, don't you?

A. Yes, sir.

Q. At a distance of 10 feet, how large a hole could you put in a plank of wood?

A. 10 feet?

Q. Yes.

A. I don't think it would go 10 feet. It would start to scatter.

Q. Would it make a hole large enough to put your first—to put your fist through?

A. At 10 feet?

Q. Yes.

A. At 10 feet I don't believe it would.

Q. At 10 feet would it make a hole large enough to put your fist through?

A. It might; I haven't an idea.

Q. Where were you stationed that night when you were using that machine gun?

A. On the west side of the street across from the C. I. O. hall, close to this tile building.

Q. How wide is that street, do you know?

A. It is about 40 feet across there.

Q. You shot into the building?

A. At the building?

Q. That is right.

A. No; I shot where the firing was coming out of the doorway.

Q. How large a hole would it make at 40 feet, do you know?

A. Well, that would be pretty well scattered out there. It might take in a radius of about five or six square feet; maybe seven.

Q. You were the first one to shoot that night?

A. No, I wasn't the first one to shoot. I think I was the second one.

Q. The second one?

A. Yes, sir. The first shot came out of the doorway of the C. I. O. headquarters.

Q. Before that you had shot at the lights in the car that was standing in front, is that right?

A. That was after I shot toward the door.

Q. What is that?

A. That was after I shot at the door. You see, the car was standing in there with the lights on and the young fellow, whoever it was, he was in the car and left it, and and then he came back, and then he left it the second time. I think it was some time after the shooting from over the door that the headlight was shut out.

Q. About what time did you shoot the lights out from the car?

A. Oh, about—that might have been 11:30, along in there.

Q. What time did the man drive up with the car?

A. What time?

Q. Yes.

A. Just before 11; around 11 o'clock.

Q. The lights were on all that time?

A. Yes, sir.

Q. The lights were on all that time for 35 minutes?

A. Yes, sir. The lights were on continuously there.

Q. The lights were shining on the police all that time for 35 minutes?

A. Yes.

Q. You walked over to the car 35 minutes after the lights had been on and told them to turn that off?

A. I told him to turn that off?

Q. Who did?

A. Someone hollered to turn them off. He jumped off the car and left them on, and someone hollered: "You better put them lights out or we will shoot them out." He jumped in the car and then left the car. That is when the trouble started. He jumped out and left them set.

Q. You didn't shoot the lights out then?

A. No, sir.

Q. You waited 35 minutes?

A. Yes, sir. If it was hit the second time, I don't know—the first time.

Q. You waited around 35 minutes before you decided to shoot them out?

A. At least 35; 30 or 35.

Q. You used your machine gun to shoot them out?

A. That was what I was using, yes, sir.

Q. Now, will you describe the movements of Curley about 11 o'clock? You said he started to walk towards the C. I. O. headquarters.

A. That is when this man who was intoxicated—he was over on my side of the street, and he hollered, and just about that time he walked over towards the headquarters. That is when Curley walked up and hollered for a couple of boys to take this man out before he started any trouble.

Q. Curley said that to a couple of men and then started back towards the headquarters?

A. Yes. He asked for a couple of men to take that man out of there before he started any trouble.

Q. That is when those stones started flying?

A. Yes, that is when it happened.

Q. Those stones started flying and then someone started firing a gas gun?

A. Not fired a gas gun but a gas bomb.

Q. That is right after the stones started flying?

A. Yes, sir.

Q. And after the gas bomb was fired the shooting started?

A. Yes, sir.

Q. The gas bomb was started after the shooting of the doorway?

A. Yes, sir.

Q. You are absolutely sure of that?

A. Yes, sir, that is the way I saw it that night.

Q. The gas bomb came from where?

A. From the right-hand side of the street. That is the east side of the street.

Q. That is where the police went?

A. It was a little ahead. That was on a little angle like this (indicating). I was down here (indicating).

Q. You are absolutely sure that some police officer fired a gas bomb before any shooting from the C. I. O. headquarters started?

A. Yes, sir, I saw it flying through the air; that is as true as I said it.

Q. Was there any shooting other than the gas bomb before the shots came out of the C. I. O. headquarters?

A. No shots whatsoever. As soon as the firing started to fly out of the doorway it broke loose; roared like a cannon.

Q. And the only firing, the only action taken by any of the C. I. O. men there was throwing stones, prior to the firing of these gas bombs, is that correct?

A. And the shooting from the doorway, too.

Q. I am asking you whether or not, before the gas bomb was fired, the only action of any violent nature was the throwing of stones by some C. I. O. men, is that correct?

A. Yes, sir.

Q. When did you take your machine gun or sub-machine gun out of the car, about what time was that?

A. About ten after 11:00, right after we got down there, ten or fifteen minutes after.

Q. Did you see some of the other men carrying around loaded tear gas guns?

A. I didn't pay no attention to anybody.

Q. Well, did you see any other policeman there?

A. Yes, sir.

Q. About how many were there?

A. Well, I would say around me was Kraft and Johnson, they did all—they had gas guns, and the fellow who was with me, Holwager, he had a gas gun.

Q. You say you didn't notice anything, and now you say you did see them with gas guns, is that correct?

A. Sure, I could see them standing around there.

Q. They had tear gas guns? When did tney take their tear gas guns out?

A. I don't know anything about what they done.

Q. About what time did you see them with tear gas guns in their hands? Was that before the stones were thrown?

A. Right about after 10 o'clock, after we landed.

Q. They were walking around with gas guns, is that right?

A. Right on this line, yes, sir.

Q. On a line, you say?

A. There was sort of a line across there, you know, where the men had this—there was a post there that they used before, so—

Q. You mean about 100 feet south of the C. I. O. headquarters, is that correct?

A. About 100 feet.

Q. Curley lined them up, is that correct?

A. Yes, sir.

Q. He lined them up across the street?

A. Yes, sir.

Q. About 15 or 20 men?

A. Yes, close to 20.

Q. Before he started walking, making any movement towards the C. I. O. headquarters, he had lined those men up, is that correct?

A. Those men was there for sometime. Then the other men that was taken in there to help fill in, was taken in there around 10:00 o'clock too.

Q. In other words, about the time shortly after 10 o'clock when you had got your sub-machine gun out, these other men got their tear gas guns out, and they were lined up, is that right?

A. There was someone there back of me, they certainly had their tear guns.

Q. About that time, is that right? Shortly after 10 o'clock?

A. When I was there, the fellows that I saw had tear gas guns. Some had bombs.

Q. Go ahead and finish.

A. Some had some bombs, you know, those cans, had them in their hands.

Q. At ten minutes after 10:00, some had gas bombs in their hands, is that correct? Is that what you say?

A. I say they were expecting this trouble.

Q. Well, was there any trouble at that time?

A. Was there any trouble?

Q. That is right, wasn't that crowd perfectly peaceable?

A. Johnson took a load of drunks down and they picked up there, right among the bunch there.

Q. Do you always carry gas guns?

A. Sir?

Q. Do you carry a sub-machine gun when you see a drunk? Do you ever use a machine gun on a drunk?

A. Do I?

Q. Yes.

A. No, sir.

Q. Did you ever use a gas bomb?

A. No, sir.

Q. Did you ever use a tear gas bomb?

A. No, sir.

Q. You can handle them without any of those things, can't you?

A. Where I can handle them, but I never used one.

Q. On that night was that crowd perfectly peaceable?

A. No, sir.

Q. What were they doing?

A. Very restless.

MR. LAUTER: I move the answer be stricken out, they were very restless.

TRIAL EXAMINER LINDSAY: Yes, strike that answer.

MR. DAY: He asked him what they were doing. He asked if they were peaceable.

TRIAL EXAMINER LINDSAY: Well, "restless" doesn't mean anything. Now, quit arguing.

MR. DAY: I will take time, now. I will make my objection in this record and have it noted.

TRIAL EXAMINER LINDSAY: All right.

MR. DAY: All right.

TRIAL EXAMINER LINDSAY: My ruling is that the answer is stricken from the record.

MR. DAY: Yes, and note an exception.

TRIAL EXAMINER LINDSAY: Say what "restless" means.

THE WITNESS: Well, they said "we are going to go through there." We might as well go through there now.

Q. (By Mr. Lauter) I am not interested in what they said.

A. Sir?

Q. Describe the condition of the crowd, what they were doing.

A. The bunch—

Q. At ten after 10:00, what were they doing?

A. Hollering.

Q. Were they standing still, or walking around or what?

A. They says, "Let's go through, let's tramp them."

Q. Were they standing or walking around?

A. Milling around.

Q. Just moving around.

A. Milling around.

Q. That is the extent of their violence, is that right?

A. Yes, sir, yes, sir.

Q. And at the time they were just walking around,

you men were walking around with a sub-machine gun?

A. I was standing still.

Q. And tear gas guns? You were standing still, were you?

A. I was standing still.

Q. With a sub-machine gun, is that right?

A. Yes, sir.

Q. And the other men were standing still or walking around? The other officers?

A. They was walking around, different places.

Q. With tear gas guns?

A. Absolutely.

Q. And gas bombs, is that correct?

A. Yes, sir.

Q. At ten minutes after 10:00?

A. It was after I landed there. It was ten or fifteen minutes after.

Q. Now, how far did you say you were from the car when you shot out the lights?

A. 20 or 25 feet at the most.

Q. Was there anyone in that car?

A. No, sir. I saw—

Q. Was there anyone near the car?

A. No, sir, not at that time. The men left out of it and was all back up the street.

Q. Was there any shooting going on at that time?

A. Oh, there was shooting at all times there.

Q. Are you saying there was shooting all the time after 11 o'clock steadily?

A. After 11?

Q. Yes.

A. Well, for at least half an hour.

Q. What time did you shoot out the lights?

A. Well, it was about—it was around close to 11:30, along there.

Q. Was there shooting at 11:30, when you shot out the lights?

A. There was still a little shooting, gas shooting.

Q. Was there any shooting from the C. I. O.?

A. No, not then.

Q. There wasn't any?

A. No, not then.

Q. Where were you when you started to walk up to the car, to shoot out the lights?

A. Where was I?

Q. Yes.

A. Right up southeast of the car.

Q. And there was no shooting coming from the C. I. O. headquarters, is that right?

A. Not then.

Q. Or in that direction?

A. The only shooting that I saw was coming from the doorway, that is when it started.

Q. That is after five after 11:00?

A. Just a little around 11 o'clock, I got there a little after—

Q. From 11 o'clock to 11:30, did you see any shooting from C. I. O.?

A. No, sir.

Q. At 11:30 you walked up to this car, is that right?

A. Couldn't walk up to it.

Q. You were near the car, 20 or 25 feet from it?

A. 25 feet from the car.

Q. There had been no shooting by the C. I. O. for 30 minutes, is that correct?

A. Along there.

Q. And you started to shoot out the lights in the car?

A. I started to?

Q. You shot them out?

A. I suppose maybe I did.

Q. Well, what do you mean, you suppose? Didn't you?

A. I did. I shot the one light out.

Q. Why didn't you go up there and turn the light out?

A. Why didn't I?

Q. That is right.

A. You couldn't get near that place for gas.

Q. You were 20 feet from it, weren't you?

A. Yes, sir. The air was to my back, was taking the gas up in there. I tried to get up in there once. You couldn't get up past that building. It had the gas hemmed in there.

Q. About what time did the gas fill the streets so you couldn't see?

A. What time?

Q. Yes.

A. Any time after they started shooting.

Q. Any time after 11 o'clock?

A. Yes, after the gas started, you couldn't get up through there.

Q. That was about 11 o'clock, is that right?

A. It was after 11:00.

Q. How long after that?

A. When the shooting started?

Q. How long after 11:00 was there so much gas on the streets that you couldn't get up there?

A. Oh, over about—40 minutes at least.

Q. Are you saying that at 11:40 you couldn't get up the street?

A. I got up in there about 8 or 10 feet, then I couldn't take it, and I had to come back.

Q. About what time was it that you couldn't get up into the street, I am asking you.

A. About 11:30 or 35, along in there.

Q. Was that after you went up to where this car was?

A. Yes, sir.

Q. But before you went up there wasn't any gas, or there wasn't so much gas that you couldn't get up, is that right?

A. Plenty of gas up there at all times.

Q. Could you get up there then?

A. I couldn't get past there, 8 or 10 feet past this car.

Q. At what time?

A. Around 11:30 or 11:35.

Q. When did they lay down the barrage with gas?

A. Right after the shooting started from the doorway.

Q. About 11 o'clock?

A. Around 11:00 or 11:10.

Q. Was the street pretty filled with gas at 11:00 o'clock?

A. At 11?

Q. That is right.

A. No.

Q. It wasn't until 11:30, is that right?

A. It was right after 11:00, right after the shooting started.

Q. Do you understand my question?

A. Yes, sir.

Q. I am asking you when the street became so filled with gas that you couldn't get up the street?

A. Around about 11:30, or 11:35.

Q. Did you do any shooting between 11 and 11:30?

A. Me?

Q. Yes.

A. Yes, sir.

Q. About how many rounds of ammunition did you shoot off between 11 and 11:30?

A. About twenty.

Q. There was no shooting by any C. I. O. men at that time, was there?

A. The only shooting come out of the doorway.

Q. Just those five shots?

A. Yes, sir.

Q. And you kept on shooting, during that half hour continually, is that correct?

A. I only shot twenty rounds in that—little over half an hour.

Q. How many? When you say "rounds" is that each one a separate shot?

A. Yes, sir, I shot, oh, three at the doorway, and then when the fire was flying out of different upstairs windows, I shot two or three times at those. That is all the firing that I done.

Q. What was all the firing that they did, between 11 and 11:30? Just out of the doorway?

A. That was on the other side.

Q. Just out of the doorway?

A. Yes, sir.

Q. Did you shoot into the building, during the period between 11 and 11:30?

A. Me?

Q. Yes.

A. No, sir.

Q. Did any of the other cops shoot lead?

A. Well, I couldn't say that they did.

Q. Well, you could hear the shots, couldn't you?

A. There was plenty shooting.

Q. You could hear shots, couldn't you?

A. Sir?

Q. You could hear shots coming from their direction, couldn't you?

A. Oh, yes.

Q. Shooting lead?

A. Well, I couldn't say whether it was lead or not, what they had in their guns, I don't know.

Q. You testified in direct examination as to the kind of shots you heard coming out of the C. I. O., didn't you?

A. Yes, sir.

Q. But now you can't testify as to the kind of shots you heard coming out of the police guns, is that right?

A. What kind would you think would come out?

Q. I am asking you whether you can or cannot testify as to the kind of shots that came out of the police guns?

A. Well, it was either 38's or 45's.

Q. They were shooting lead, is that correct?

A. That is what my idea would be.

Q. Between 11 and 11:30?

A. Yes, sir.

Q. And after 11:30?

A. Not very long after, maybe five minutes after—11:35. But after the Canton police came in there, our fellows then didn't do no more shooting as I know of.

Q. You said something about cops coming out of buildings?

A. Yes, sir.

Q. You said out of almost every building, is that right?

A. Upstairs windows. Yes, sir, plenty of them.

Q. Out of every window?

A. Just about—every window?

Q. About every window?

A. Yes, sir.

Q. In every building?

A. Yes, sir.

Q. That is all along there?

A. The east side.

Q. East side?

A. Yes, sir.

Q. How many buildings are there there, do you know?

A. Along the east side?

Q. That is right.

A. Well, there are about—between eight and ten, up to McKinley Avenue, to the intersection.

Q. How many windows would you say were there?

A. How many windows? All along the street there is windows. It is pretty well built up.

Q. Pretty well built up?

A. Yes, sir.

Q. About eight or ten windows in each building?

A. No, I would say some were pretty well closed up.

Q. On an average of about eight or ten?

A. Well, there was about three or four in the top, upstairs windows.

Q. So they were shooting out of about 25 or 30 windows, is that right?

A. I would not say that many; as many as I saw where the fire was coming—

Q. How many would you say?

A. Well, I would say at least 10 or 15.

Q. So they were not shooting out of every window, were they?

A. Out of every window?

Q. That is right.

A. Well, you see these buildings is up close there.

Q. Were they shooting out of every window?

MR. PONTIUS: Pardon me, he has a right to answer, if your Honor please.

TRIAL EXAMINER LINDSAY: This is cross-examination.

MR. PONTIUS: Yes, but he has a right to complete his answer. I object to the interruption.

TRIAL EXAMINER LINDSAY: Go ahead, answer the question.

MR. PONTIUS: I object to the interruption of the answer.

TRIAL EXAMINER LINDSAY: Objection overruled, let the record show an exception.

A. Well, any windows that was in the upstairs, I saw firing.

Q. Out of every one that was in the upstairs of these buildings, is that correct?

A. Yes, sir.

Q. That means about 25 or 30 windows?

A. No.

Q. You said there were eight buildings?

A. There is about eight or ten buildings, and those buildings is built up close. There is only a couple little passageways through those buildings, through there, see?

Q. About how many windows are there in the eight or ten buildings out of which they were firing?

A. About eight or ten windows at the most, that I could say.

Q. When did they start shooting out of those windows?

A. Right after the shooting started.

Q. Right after 11 o'clock?

A. Yes, sir.

Q. And how long did they continue to shoot?

A. Oh, that kept up for 20 or 25 or 35 minutes, along there.

Q. And you would shoot into the window, is that right?

A. Yes, sir, whenever I would see any firing coming out, I would shoot this bird-shot into these windows.

Q. About how many shots would you say were fired out of the upstairs windows of these eight or ten buildings?

A. That night?

Q. That is right.

A. Oh, there might have been 50 or 100 shots fired out of them windows.

Q. And every time you saw a shot come out from it, you would fire?

A. Yes, sir.

Q. How many times did you fire?

A. I fired 20 rounds.

Q. 20 shots?

A. Yes, sir.

Q. Did any officer get hit, that night?

A. None that I know of.

Q. What is that?

A. Not—I don't remember, I don't think any of the men got hit, that I know of, but only the car that I was driving got hit.

Q. What is that?

A. The machine that I used to cruise around with got hit that night.

Q. You don't know who hit that car?

A. Sir?

Q. You don't know who hit that car?

A. Oh, no.

Q. But you heard that some CIO men were killed that night, didn't you?

A. Yes, I heard there was one killed.

MR. LAUTER: That's all.

TRIAL EXAMINER LINDSAY: I think we will have a short recess.

(A recess was had.)

TRIAL EXAMINER LINDSAY: Hearing is called to order.

Redirect Examination

Q. (By Mr. Pontius) Mr. Fellabom, from the position you were in when you fired at the door, or fired towards the CIO headquarters there, were you able to state about how far away you were from that place?

A. About sixty feet.

MR. PONTIUS: I believe that is all.

Recross Examination

Q. (By Mr. Lauter) At the time that you fired at the headquarters, were there people in front of it?

A. Well, you wouldn't see, for those trucks. You see, on the angle where I was at—

Q. Where were the trucks?

A. The trucks was right in front, the one had the tarpaulin on and then there was a smaller truck.

Q. You could see the doorway in front of the headquarters, because you were aiming at it, couldn't you?

A. You could see about two feet of it, the top of it.

Q. Were there any people in front of the truck?

A. I couldn't see.

Q. Were there any people on the street at 11 o'clock, when you fired?

A. No, they moved back when this gas started to fly, you couldn't stand—

Q. How soon after the gas bomb was thrown—how soon after that did you start shooting?

A. How soon?

Q. That is right.

A. Very close.

Q. A few seconds?

A. A few seconds.

Q. That's right. At the time the gas bombs were thrown, were there people on the street?

A. I could see them moving back through the cars.

Q. And in a few seconds they couldn't get very far, could they?

A. Well, they moved pretty fast.

Q. In a few seconds, they could move a few feet, is that right?

A. Further than that.

Q. Further than that?

A. Yes, sir.

Q. At the time that you fired where you testified, there was no one on the street in front of the headquarters?

A. I couldn't see through that truck, see.

Q. But you fired anyway?

A. Right about, where the fire was coming out of that doorway.

Q. You couldn't see whether or not there were any people in the front of that truck?

A. No, sir, I could not see a soul.

Q. What is that?

A. I couldn't see a one.

Q. Couldn't see a person in front of the truck?

A. Yes, sir.

Q. On the street?

A. Just ahead of us a little ways, see? Through the cars, there was lots of machines there on both sides of the street. Once in a while you could see a head bobbing past.

Q. Before the gas bomb was thrown, about how many people would you say were there on the street?

A. At that time?

Q. That is right.

A. Well, there was at least 30 or 40 that I could see right close to the corner of the building, from this tile building where I was supposed to be.

Q. You were on the west side of the street?

A. Yes, sir.

Q. And that building that you were near was just ten or fifteen feet south of the CIO headquarters, on the other side of the street, is that right?

A. Yes, sir.

Q. You could look across on an angle, is that correct?

A. Yes, sir, on an angle. About a 45 degree angle.

Q. And at the CIO headquarters?

A. Yes, sir.

Q. And the only thing that blocked your vision of the doorway was this truck that was in front of it?

A. Two trucks, the one—the larger one had a tarpaulin on it. You could just see about two feet of the door, top of the door.

Q. Have you heard other officers testify that there

were a great many people on the street at that time, 11 o'clock?

A. Oh, yes, at 11.

Q. About how many would you say were there at 11 o'clock?

A. Well, when we first landed there, around that time there was at least 200 or 250.

Q. And how many were there on the street when the gas bomb was thrown.

A. Oh, around 30 or 40 at the most, that I could see from the side I was on, 30 or 40. If there was anybody on the other side of the trucks, I couldn't tell.

Q. There was 30 or 40 in front of the trucks, is that right?

A. That was along on the west side of the street, see?

Q. That is right, on the west side of those trucks weren't there about 30 or 40 people?

A. Yes, sir; right across.

Q. And they were there at the time you fired your sub-machine gun, is that correct?

A. Yes, sir.

Q. And your sub-machine gun fired bird-shot?

A. Yes, sir.

Q. At a distance of 60 feet, would spread how far? About 10 feet?

A. About at least 7 or 8 at the most, maybe more.

Q. Do you know whether people were picking buck shot out of their bodies for days after that?

A. I wasn't shooting buck shot.

Q. Where—what were you shooting then?

A. Bird shot.

Q. Bird shot?

A. Yes, sir.

Q. While there were 35 or 40 people in front, in the street in front of the trucks?

A. I didn't shoot at anybody I saw.

Q. The bullets spread seven or eight feet?

MR. DAY: Will you read the last answer?

(The answer read by the Reporter.)

A. There was bird shot, they would spread at least seven or eight feet at the most, maybe more.

MR. LAUTER: That's all.

Redirect Examination

Q. (By Mr. Pontius) You have said there were 25 or 30 people ahead of the truck. Were those people between you and the truck when you shot?

A. Yes, sir.

Q. And with respect to their bodies, how did you have your gun?

A. Over the top of their heads.

MR. PONTIUS: I think that is all.

MR. LAUTER: That is all.

(Witness excused.)

RUSSELL JOHNSON

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Pontius) You are Mr. Russell Johnson?

A. Yes, sir.

Q. And you live in Massillon?

A. Yes, sir.

Q. What is your address in Massillon?

A. 1404 Ninth Street, N. E.

Q. Your occupation, please?

A. Patrolman, city of Massillon.

Q. For how long a time have you been a patrolman in that city?

A. Since February 15, 1932.

Q. Now, during the time shortly before July 11th, what did you do there in connection with your patrolling duties?

A. Riding the cruiser.

Q. What do you mean by cruiser?

A. Police car.

Q. Did that car belong to the City of Massillon?

A. Yes, sir.

Q. And what part of town did you ride that cruiser in?

A. All over town, generally down around the strike area.

Q. Now, do you know the location of what they call the post on Cleveland Avenue?

A. Yes, sir.

Q. Prior to July 11th had you been down there from time to time?

A. Yes, sir.

Q. And when, usually, would you go there?

A. Change of shifts, deliver men.

Q. What?

A. To deliver men. We only had two cruisers, and we had to use the two cruisers sometimes to take two or three loads down there.

Q. Deliver men on the post?

A. Different posts.

Q. Different posts?

A. Yes, sir.

Q. What was the custom, there, with respect to increasing or decreasing the number of men at the turn of shifts at that post?

A. Well, at the turn of shifts we doubled over, that is, there would be twice as many men at the shift.

Q. Now, did you go down to that post on the night of July 11?

A. I did.

Q. What were your hours of duty on that day?

A. From 2 in the afternoon until 11:30 at night.

Q. How did you go down there?

A. In the cruiser.

Q. Did anyone accompany you in that cruiser?

A. My partner, Packer, and some different men. I delivered men down there. Packer, who was my partner, and men who I took to the post.

Q. Do you know who that was?

A. No, I don't remember their names.

Q. Where did you take your men?

A. From the City Hall, the police station.

Q. And what time did you get down to that place?

A. I would say approximately 10 o'clock.

Q. When you got there did you see any officers there, or were there other officers there?

A. Yes, sir.

Q. I wish you would name the persons or officers that you saw there when you got there, as near as you can recall?

A. There was a number of special officers there, which I don't remember their names. I knew Kelley was there, Fellabom, Kraft, Henderson was there. That is all I remember.

Q. I see. Now, what, if anything, first attracted your attention after you got there?

A. The number of people around the CIO Hall.

Q. How many? About how many were around that hall?

A. I would say between two and three hundred people.

Q. With respect to the usual number about there, how did that compare?

A. Quite a few more than what is usual there. Different times there would be 25, then you would see 50 and probably a hundred. I have seen 150 there, you see if they had a dance playing music, the women and children 250,

probably 200 there, when they had one of these dances.

Q. Well, do you know whether or not they had any dance going on there that night?

A. They did not.

Q. What did you observe with respect to there being women and children there at that time?

A. I didn't notice any women and children.

Q. What was the usual thing about that hall, as to women and children being there?

A. They were there, quite often.

Q. Now, did anything occur with respect to the arrest of any men there before the riot started?

A. Yes, sir, I arrested six men.

Q. Tell us about that.

A. Shortly after I got there there was a car drove up on Cleveland Avenue from the south, from Oberlin. We stopped the car on the east side of the street. There were six men in it. I asked them their business and they said they were CIO men from Canton.

I asked them what they were doing there. They says they were going up to the CIO Hall. I told them to step out of the car. They stepped out of the car and I searched them, searched the car for weapons, but they didn't have any. I told my partner, I says, "You take three in the police car and I will go down with these other three men in their car. Went down and locked them up.

Q. Now, had any orders been given with respect to men coming across the viaduct as these men crossed?

A. The sheriff's proclamation.

MR. LAUTER: I object to that question on the ground leading the witness. There is no evidence they came over the viaduct.

MR. PONTIUS: That is right. I will withdraw the question.

Q. Were there any orders issued prior to that time with respect to persons coming along the streets that you saw this man travel?

A. The first proclamation was issued on June 25, I think. That covered that.

MR. LAUTER: I ask that the answer be stricken.

Q. What you saw when—

MR. LAUTER: (Continuing) As indefinite "covering that." I don't know what that means.

TRIAL EXAMINER LINDSAY: "Covering that" may be stricken from the record.

MR. PONTIUS: All right.

Q. About what time did this occurrence take place?

A. I would say between 10 o'clock and 10:20.

Q. I don't understand.

A. Between 10 o'clock and 10:20.

Q. What if anything then did you do with these men —the three of them?

A. Took them down to the police station and signed an affidavit; wrote the names down on a scratch pad; locked them up in jail.

Q. Now then, after that, what did you do?

A. My partner and I—Packer—we got in the car and traveled down Erie Street: at the gasoline station there. There was an automobile parked there with a few people around it. We glanced over it and went on down to the street to the corner of Oberlin Road and Erie Street. We parked our car in the gasoline station and walked down to where this car was stationed and we asked what was the trouble. Somebody said somebody threw a gas bomb in the car. I looked at the car and asked if anybody was hurt and somebody said: "No." There was a lot of gas smell in there, and we pushed the car to the side and left it there by the side until the gas went down. I walked to where my car was parked and we continued on.

MR. LAUTER: I move all the testimony with reference to the gas bomb be stricken from the record as having no connection with the issues in this case.

TRIAL EXAMINER LINDSAY: Yes. It may be stricken.

Q. Did you know whose car that was?

A. I did know.

Q. All right. Then you went over to what place?

A. Cleveland Avenue, S. W.

Q. About what time was it that you got over there?

A. I would say probably 10:45.

Q. Now, had there been any shooting over there before you got over there?

A. Yes, sir.

Q. Where were you when you first heard that?

A. On the east side of the viaduct.

Q. Now, when you got over there, just tell us what you saw when you got there.

A. Drove the police car probably 130 or 140 feet south of the C. I. O. hall and parked it on an angle; got out of the car; took the gas gun out of the car. He was kneeling in the middle of the street. I kneeled down behind him and asked him what was going on. He said: "Well, a bunch of bombs was being thrown." And some shots were coming out of the C. I. O. doorway. I said: "Was there anybody left in there?" And he said: "Yes." I said: "What are you going to do?" He said: "Well, there was people in the C. I. O. hall"—

Q. About how far were you from the C. I. O. hall; about how far were you at that time?

A. I would say 130 or 140 feet.

Q. Now, what if anything did you notice with respect to the street in front of the C. I. O. hall? Were there people there at that time?

A. There was two trucks setting in front of the C. I. O. hall. Some people came out of the C. I. O. hall, and walked to the south side, which they attempted to get into the car; and they left the car and stayed there, and walked back in the C. I. O. hall. Later on they came out again and went up the street; and a number of men and women came out of the C. I. O. hall and went up the street.

MR. LAUTER: Will the Reporter please read that question?

(The last question was read.)

Q. Now, did you see any other people up on the street above there at that time?

A. Yes, sir.

Q. How many people would you say?

A. I would say a couple of hundred on both sides of the street.

Q. How far above the C. I. O. hall at that time?

A. I would say 150 to 200 feet.

Q. Did you observe any firing after that?

A. Yes, sir.

Q. From where?

A. From the west side of the street north of the C. I. O. hall almost to McKinley Avenue.

Q. Which way does McKinley Avenue run?

A. East and west.

Q. Where is that with respect to the C. I. O. hall?

A. Number of feet?

Q. Well, I mean, is that the first or second street north?

A. First street where?

Q. Of the C. I. O. hall?

A. Yes, north.

Q. What did you notice about that firing? What kind of firing was it?

A. Well, I couldn't say what kind of firing it was. It was from a gun of some sort.

Q. Do you know what direction the bullets were taking from the shots that were fired?

A. Yes, sir, traveling south.

Q. Is that in the direction of the officers at that time?

A. That is right.

Q. Now, did you hear any other firing?

A. Yes, sir.

Q. From what direction?

A. From the north.

Q. Now, tell where that came from.

A. Came around from near McKinley Avenue, I would say I saw flashes approximately in the center of the street.

Q. In what direction were those missiles coming from?

A. Traveling south.

Q. Did you hear any other firing?

A. Yes, sir.

Q. From what direction?

A. From the east.

Q. Do you know where the railroad tracks are down there?

A. Yes, sir.

Q. Where was that firing with respect to the railroad tracks in that vicinity?

A. Near the railroad tracks.

Q. Do you know what direction the missiles that were fired came from down there?

A. East; from the east and traveling west.

Q. With respect to the location of the police officers?

A. They traveled toward the police officers.

Q. And did you hear any other firing?

A. Yes, sir.

Q. From what direction?

A. From the rear—from the police officers.

Q. Now, you have stated that you walked—Kelley was on the street?

A. Yes, sir.

Q. Was he one of the regular officers?

A. Yes, sir.

Q. He was the man that testified here before?

A. Yes, sir.

Q. What did he fire?

A. Gas from a gas gun.

Q. Do you know what any of the other officers fired there?

A. I don't.

Q. Do you know whether or not there were any guns fired by the officers that were firing leaden bullets?

A. Well, it was lead fired but I don't know who fired them.

Q. How long did you remain there?

A. I remained there until the Canton police came.

Q. What was the condition existing on the street above there until the Canton police came?

A. The number of people on the street?

Q. Yes. This firing that you have told about, did that occur between the time you got there and the time that the Canton police came?

A. Yes, sir.

Q. Now, after the Canton Police came there, did you hear any other firing?

A. No, sir; we went to the east side of the viaduct.

Q. That is, you left and went to the east side of the viaduct?

A. Yes, sir.

Q. Did you go up that part of the town afterwards that night?

A. The next morning I did.

Q. What time the next morning?

A. It was from 6 o'clock until 8.

Q. Did you go off duty that night?

A. I worked until 8 o'clock that morning.

Q. 8 o'clock?

A. Yes, sir.

Q. When you first got to that point that night, what if anything did you notice about the appearance of these people that you have said were in the street there in front of the C. I. O. headquarters? Did you hear any talk from them or notice anything about them?

A. Not particularly except that there had been some firing. They were moving around in and out of the C. I. O. hall, I imagine.

MR. LAUTER: I move what the witness imagines be stricken.

TRIAL EXAMINER LINDSAY: Yes.

Q. I mean when you first got there that night you said about 10 or 10:15, about that time, what if anything did you notice about that crowd of people?

A. The crowd was moving around.

MR. PONTIUS: I guess that is all.

Cross Examination

Q. (By Mr. Lauter) When did you go on the police force, Mr. Johnson?

A. February 15, 1932.

Q. You are a regular policeman?

A. That is right.

Q. How many regular policemen are there?

A. 18, including the chief.

Q. Is it your duty to take around some of the men to their posts in a police cruiser; that is correct, isn't it?

A. That is right.

Q. How many officers were ordinarily stationed on Cleveland Avenue at the change of shifts?

A. Seven.

Q. At the change of shifts?

A. At the change of shifts.

Q. Yes. How many officers?

A. Six.

Q. On July 11th, did you take any officers to Cleveland Avenue?

A. Yes, sir.

Q. Whom did you take there?

A. I don't know.

Q. You don't know any of the names of the officers you took there?

A. They had, I think it was, 46 extra men, and I

didn't come in contact with them very often. I was cruising; I was never on the post.

Q. Well, how many did you take?

A. How many?

Q. Yes.

A. Three.

Q. You don't know the names of any of those?

A. No, sir, I don't remember those.

Q. Were they new men?

A. Yes, sir.

Q. Special policemen?

A. Yes, sir.

Q. Were they armed?

A. I beg your pardon?

Q. Carry guns?

A. Yes, sir.

Q. Do you know when they came on the force?

A. Well, since the strike started.

Q. Did they come on about July 7th or 8th?

A. These three particular men?

Q. Yes.

A. I couldn't say.

Q. Do you know whether or not the group of new men were taken on July 7th or 8th?

A. I do.

Q. Do you know when they got new guns, their guns?

A. All the men I saw except the one was armed all the time from the moment they went on the job.

Q. These three men that you took there, they had guns on July 11th?

A. I imagine so. I didn't pay particular attention to whether they carried arms or not.

Q. Now, you say that when they had dances outside—when they had dances at the CIO headquarters, why there would be 150 or 200 people there, is that right?

A. There would be more than when there wasn't anything doing. I would say 150, probably 200 people there.

Q. Do you know whether or not they had any music there at night?

A. I don't.

Q. Didn't you hear any music coming out of the CIO?

A. I didn't hear any music, no.

Q. On this night they had about 250 or 300 people there?

A. That is right.

Q. They were just moving around?

A. Yes, sir.

Q. As any crowd of 250 people would do?

A. Yes, sir.

Q. There was nothing unusual about their appearance, was there?

A. I didn't notice anything.

Q. Just the crowd standing there in front of the CIO headquarters, is that correct?

A. A crowd which was unusually large, that is all I noticed.

Q. About what time did you arrest the six men that came up in that car?

A. I would say approximately 10:30.

Q. Do you know who those men were?

A. I did know at the time, but I don't now. Of course, I got the names when I wrote them up.

Q. They were men that came from Canton?

A. Yes, sir.

Q. You say they came north on Erie Street from Oberlin Road? I mean on Cleveland Avenue from Oberlin Road?

A. Yes, sir.

Q. In which direction were they coming from on Oberlin Road, did you see?

A. I didn't see.

Q. Well, at the time that you stopped them, did you know whether they came over the viaduct or not?

A. I didn't notice, no, sir.

Q. Did you ask them whether they came over the viaduct?

A. I didn't.

Q. At the time that you arrested them you didn't know whether they came over the viaduct or not?

A. No.

Q. In other words, they may have come from the other direction of Oberlin Road, and not over the viaduct?

A. They might have.

Q. No proclamation that prohibits them from coming the other direction?

A. Yes, sir.

Q. They can't come on Oberlin Road at all?

A. No, sir.

Q. In either direction?

A. No, sir.

Q. Do you know, did you inquire from them whether or not they knew about the proclamation?

A. No, I didn't.

Q. The men came from another city, didn't they?

A. Yes, sir. The proclamation existed in Stark County.

Q. I know it. You made no inquiry about whether or not they knew about the proclamation?

A. No, sir, I didn't.

Q. You gave them no warning of any kind, not to do that again?

A. No, sir.

Q. All you did was arrest them?

A. Yes, sir.

Q. Have you done that with every person that has come on Oberlin Road and was not entitled to be there? Is that your practice, to arrest people who come in across on Oberlin Road?

A. If they come in the strike area, after the proclamation, yes, sir.

Q. How many have you arrested?

A. Just those.

Q. What is that?

A. Just those six.

Q. Have you ever come in contact with any others who came on that road?

A. No, sir.

Q. Were you ever stationed around there?

A. No, sir.

Q. Were you around the viaduct when the shooting took place?

A. I was on the east end of the viaduct.

Q. When the shooting took place at the viaduct?

A. No, sir, I wasn't.

Q. Now, when you arrested these men at about 10:15 or 10:20, did you take them yourself to police headquarters?

A. I took three and Officer Packer took three.

Q. When did you get back to Cleveland Avenue again?

A. I would say between 10.45 and 11:00.

Q. And had the shooting started by that time?

A. I heard the shooting from the east side of the viaduct. I went over in the police car.

Q. The shooting had already started?

A. Yes, sir.

Q. In Cleveland Avenue, is that correct?

A. Yes, sir.

Q. And when you got there you had a conversation with someone?

A. Officer Kelley.

Q. What did Kelley say to you?

A. I asked him what was going on. He said they were throwing stones and shooting from the CIO Hall.

Q. Did he tell you about the fact that—

A. I beg your pardon.

Q. Did he tell you about the fact that an officer threw a gas bomb?

A. No, sir, he didn't mention it.

Q. When you came there was there any shooting going on?

A. Right at that particular time?

Q. That is right.

A. Gas had been shot into the CIO Hall.

Q. By the officers?

A. Yes, sir.

Q. What did you do at that time?

A. I shot gas into the CIO Hall.

Q. What time did you say that you arrived there?

A. I would say between 10:45 and 11 o'clock.

Q. From 11 to 11:30 were you in the vicinity of Cleveland Avenue?

A. I was.

Q. Did you hear any shots come from CIO headquarters?

A. No, sir.

Q. You continued to shoot gas into the CIO headquarters?

A. Yes, sir.

Q. Did you see an ambulance come up there?

A. Yes, sir.

Q. At the time the ambulance came up did you see some women come out of the building?

A. When the ambulance come up?

Q. That is right.

A. I don't remember.

Q. Well, did you see anybody come out of the building?

A. Yes, sir.

Q. How many people did you see come out of the building?

A. I remember people come out, and they carried the stretcher in from the ambulance to the building.

Q. You don't recall whether you saw any women come out?

A. Not at that particular time I don't recall, no, sir.

Q. At any time did you see a number of men and women come out of CIO headquarters?

A. Yes, sir.

Q. About how many women did you see come out?

A. Three, I think.

Q. Now, at the time you made the arrest of the six men, how far were you from the CIO headquarters?

A. 70 or 80 feet.

Q. The crowd there was about 250 or 300?

A. Yes, sir.

Q. About how many women were in the crowd?

A. I didn't see any women.

Q. Did you see any children?

A. No, sir.

Q. About what time did you see three women come out of the CIO headquarters?

A. It was around 11:10 or 15.

Q. You heard some shooting from the north—you heard some shooting from the east?

A. Yes, sir.

Q. You heard some shooting from the south too, didn't you?

A. Yes, sir.

Q. That is where the police were?

A. Yes, sir.

Q. You heard them shoot lead?

A. I beg your pardon?

Q. I say you heard them shoot lead, is that correct?

A. I heard them shoot, yes.

TRIAL EXAMINER LINDSAY: We will adjourn until 1:15.

(Thereupon an adjournment was taken to 1:15 p. m.)

Afternoon Session

(Whereupon, at 1:20 o'clock p. m. the hearing was resumed and the following proceedings were had.)

TRIAL EXAMINER LINDSAY: The hearing is called to order.

RUSSELL JOHNSON

the witness on the stand at the time of adjournment, resumed the stand and testified further as follows:

Cross Examination

MR. LAUTER: Will the Reporter read the last several questions and answers?

(The last three questions and answers thereto were read.)

Q. Did you hear the shooting of lead?

A. I heard them shoot. I guess pistol shots.

Q. That is lead, isn't it?

A. Yes.

Q. Now, at what time did you arrive at Cleveland Avenue; what time was it?

A. I was there twice.

Q. What time was the first time?

A. Approximately 10 o'clock.

Q. And the second time?

A. I would say between 10:45 and 11 o'clock.

Q. Did you stay there between 11 o'clock and 12 o'clock?

A. Until the Canton police came.

Q. What time was that?

A. I couldn't say; probably 11:30; probably later.

Q. What was that?

A. I couldn't say exactly.

Q. You were there near to 11:30 and 11:45?

A. I was there until the Canton police came.

Q. Between 11:15 and 11:30 did you see the car that was on the east side of the street? The automobile with its lights on?

A. I didn't pay any attention to it.

Q. Where were you stationed?

A. I was stationed south of the C. I. O. hall.

Q. How far south?

A. 150 feet.

Q. Now, on this map, where would 150 feet south of the C. I. O. hall be? This is the C. I. O. hall here (indicating); and this is Cleveland Avenue (indicating).

A. Pretty near—what is this (indicating)?

Q. This is Oberlin Road right here (indicating).

A. That is the C. I. O. hall (indicating). I would say 150 feet south of the C. I. O. hall.

Q. Where were you on this map? Will you indicate?

A. Right here (indicating).

Q. Right in about here (indicating)?

A. Yes, sir.

Q. Do you know whether or not there was any automobiles on both sides of the street?

A. Yes, sir, there were automobiles on both sides of the street.

Q. From where you were, could you see automobiles on the west side of the street?

A. Yes, sir.

Q. Did you notice whether or not the automobile on the west side of the street had lights?

A. I don't know.

Q. If it had its lights shining on the police you would have noticed it?

A. I don't know.

Q. I say if it had had its lights shining on the police you would have noticed it?

A. I didn't notice.

Q. Did you notice any lights on the police?

A. There was street lights; there was lights on automobiles on the street had their lights, too.

Q. You don't know whether they did or not?

A. I am not sure. I don't know whether.

Q. Were you there at 11:15 or 11:30 o'clock?

A. Yes.

Q. Were you there when Fellabom shot the lights out?

A. No, sir.

Q. Did he shoot them out when you were there?

A. I don't know.

Q. If they were shot out at 11:35 you would have been there?

A. That is right.

Q. There were no lights shot out when you were there?

A. No, sir.

Q. Anybody tell you whether or not there were lights shot out when you got there?

A. No, sir.

Q. When did you leave Cleveland Avenue?

A. After the Canton police came.

Q. About 11:30 or 11:15 o'clock.

A. Yes, sir.

Q. You went over there to the east end of the viaduct?

A. Yes, sir.

Q. When you went over to the east end of the viaduct, did you hear any more shooting on Cleveland Avenue?

A. Yes, sir.

Q. When the Canton police came, did they lay down a barrage of tear gas?

A. I wasn't there when they did that. They came and I went to the east end of the viaduct.

Q. Did you hear them lay down that barrage of firing?

A. No, sir.

Q. You didn't hear from where you were but you heard from some person, is that correct?

A. Yes, sir.

Q. When you were at the east end of the viaduct prior to the shooting, you did hear shots?

A. Yes, sir.

Q. But you didn't hear shooting done by the Canton police after you left, is that correct?

A. No, sir.

Q. Although you were approximately some distance away?

A. Yes, sir.

Q. Will you describe what lighting apparatus there is in the vicinity of Cleveland Avenue near the C. I. O. hall? Where are the lights on that street?

A. There is an electric light here (indicating); a street light here (indicating).

TRIAL EXAMINER LINDSAY: Where is that?

THE WITNESS: Right here (indicating).

Q. How far south of the C. I. O. hall is that?

A. I would say it is 40 or 50 feet on the west side of the street.

Q. It is 40 or 50 feet south of the C. I. O. hall? There there is a light?

A. Yes, sir.

Q. And where were you stationed with respect to that light? South of that?

A. I would say south.

Q. How far south?

A. I would say 110 feet.

Q. 110 feet?

A. I said 150 feet before.

Q. That is where the line of police was?

A. That is where I was.

Q. Where was the line of police?

A. Right here (indicating).

Q. About 50 feet south?

Yes, sir.
And there is this light 50 feet south there (indi-

Yes, sir.
That lights up quite an area, doesn't it?
Yes, sir; a regular street light; one bulb.
MR. LAUTER: That is all.
MR. DAY: That is all.
(Witness excused.)

CHARLES MOORHEAD

s called by and on behalf of the Respondent, hav-
first duly sworn, testified as follows:

Direct Examination

(By Mr. Day) What is your name?
Charles Moorhead.
Where do you live, Mr. Moorhead?
102 Woodland Avenue, S. E. Massillon.
What is your business?
Foreman of the Republic Steel Corporation.
How long have you worked for Republic?
23 years.
Foreman in what department?
Shipping department of the 12 and 18-inch mill.
Did you work there—do you recall the night of
July 11th, last?
I do.
Where were you around 10 o'clock that night?
I was out driving—coming into Massillon about
came over the viaduct and I heard then that there
ng to be trouble.
Don't tell what you heard.
(Continuing) Well, I saw so many people milling
I went into the South Erie Grill. It was too hot in
r me, so I milled around myself.

Q. Where was this milling around taking place?

MR. LAUTER: Just a minute. I move that the answer be stricken out of this witness with respect that it was too hot for him.

TRIAL EXAMINER LINDSAY: Yes, it may be stricken.

Q. (By Mr. Day) Just tell, now, you say they were milling around; now where was this?

A. Well, I would say after I had started to walk around myself, from the east end of the viaduct north past Maple Street.

Q. How near was it to the intersection of the viaduct and South Erie?

A. Well, the place that I went into first, why, was right at the corner of the east end of the viaduct.

Q. Now, did you see some people there?

A. Plenty.

Q. About how many?

A. Well, I would say in the neighborhood of 40.

Q. What were they doing?

A. Just milling—just standing around, talking. You never saw those people there at that corner before.

MR. LAUTER: I move the remarks of the witness be stricken, about not having seen those people at that corner before.

THE WITNESS: Except only on one occasion.

MR. LAUTER: May I have a ruling on my motion?

TRIAL EXAMINER LINDSAY: Just a minute. Yes, that is stricken out.

Q. (By Mr. Day) Well, had you been down past that corner frequently before that?

A. Well, that is my stopping place. I have stopped there ever since they had a store there. I stopped there every day.

Q. Will you state whether or not you had ever seen a group of that kind there before?

A. Only on one occasion I did. Different ones, and they were—that was the morning that the mill reopened.

Q. I see. Now, did you see any automobiles there?

A. Plenty of automobiles, yes, sir.

Q. And where were they?

A. Lined up on both sides of the street, north and south from the viaduct.

Q. Well, now, what did you do, when you came down into the vicinity of the intersection of the viaduct?

A. I went back up town and we drove back up, and the closest we could park was about 50 feet south of Maple Street.

Q. And what time was that?

A. Around 10:00—oh, I would say 10:20 to 10:45.

Q. Now, what did you see anybody do there, then?

A. Well, I got out of the car and I started to walk. I was instructed that there was going to be plenty of trouble, so keep away—

Q. Never mind about what somebody instructed you. Just tell what you saw.

A. Well, what I saw then actually, I walked up there, up to Schriber Street, pretty close to Schriber Street, I saw automobiles stoned.

Q. Where is Schriber Street?

A. Schriber Street is, I would say, within 200 yards north of the viaduct.

Q. And you say you saw automobiles stoned. Tell us more about that in detail, just what you saw.

A. Well, it seemed to me—

Q. Don't tell what it seemed to you. Just tell—

A. Well, here is what it really was. It was a case between every home—the homes out there on the west side of Erie Street south—there is plenty—there is driveways between each home.

Q. Yes.

A. And there were men congregated in each driveway, in the dark. When there would be one come out, an

automobile drive south on Erie, someone yelled out and the biggest crowd I saw was at Bordner's store, north of Bordner's store, that is right at the west end of Arch Street south.

Q. What did you see happen?

A. They would run out of there, out of the dark and stone the cars.

Q. About how many men did you see run out at the cars?

A. Well, in that vicinity there were at least 20 or 25 men.

Q. And the cars that were stoned, in what direction were they proceeding?

A. On the road south, going to work. They would not put out—pick out every car, but whoever was in the front, I could not see who he was, knew the cars.

Q. Well, I think perhaps that—don't tell what somebody else knew. Now, you have told about the cars coming south on Erie Street, and are these streets that you are telling us about, these alleys—are they north or south of the viaduct?

A. They are north.

Q. State whether or not you have observed men, over the last few years, driving to work down South Erie and over the viaduct?

A. Yes, I have.

Q. And about how many cars do you think you saw stoned in that way, approximately?

A. In the neighborhood of ten or twelve. You could hear the crash of the glass.

Q. Did you see anything broken by the stones, or did you see the stones strike anything?

A. Why, they struck automobiles.

Q. What, if anything else, did you see there that night?

A. Well, outside of that, why there seemed to be—

TRIAL EXAMINER LINDSAY: We don't care anything about what it seemed to be.

Q. Well, do you know a man named Harold Rink?

A. Yes, I do.

Q. Did you see him there that night?

A. Yes, I did.

Q. Who is Harold Rink?

A. Harold Rink is a straightener on the 18 inch mill.

Q. Do you know whether or not he belongs to the CIO?

A. Yes, sir, I do.

Q. Does he?

A. Yes, sir.

Q. How long have you known Harold Rink?

A. In the neighborhood of 12 years.

Q. Tell us what, if anything, you saw Harold Rink do out there that night?

A. Well, the only thing, the only time that I saw Harold Rink after they stoned a couple of cars, was that he said, "Come on, boys, let's get the other side, we are going to town."

Q. And then what happened?

A. Well, they went to town, I guess.

Q. Well, did you see what they did?

A. Well, they went north, and everyone followed him as far as I could see.

Q. And about how many followed Harold Rink?

A. Oh, I wouldn't be able to judge.

Q. Well, can you give us any idea?

A. Well, I would say in the neighborhood of 100.

Q. And how did they follow? Were they on foot or driving cars or what?

A. Some were on foot, some crawled in their cars, they had their cars parked in the vicinity of the car I got out of.

Q. And how soon did they start around, after you heard Harold Rink call out what you told us?

A. Within five minutes they were gone, I would say.
Q. You did not follow the cars?
A. No, sir.
MR. DAY: I think that is all.

Cross Examination

Q. (By Mr. Lauter) Mr. Moorhead, what is your position at Republic Steel Corporation?
A. Foreman of the shipping department, 12 and 18 inch mill.
Q. How long have you been a foreman?
A. 23 years.
Q. What is shipped out of your department?
A. What is shipped out?
Q. That is right.
MR. DAY: Now, may I object to all this, on the ground that it is not proper cross examination?
TRIAL EXAMINER LINDSAY: Yes, the objection is overruled. Let the record show an exception.
MR. DAY: Exception.
THE WITNESS: May I answer?
TRIAL EXAMINER LINDSAY: Yes.
A. Automobile steel. Does that answer the question?
Q. That is right.
A. Automobile steel, 100 per cent, I would say.
Q. Where is that shipped to?
A. Every customer we have.
Q. Well, where are they located? Some of them? Tell me where some of them are located?
A. Do I have to answer that question?
TRIAL EXAMINER LINDSAY: Yes.
A. Detroit, Flint, Pontiac, Cleveland, Buffalo. Maybe that is not all. Toledo is another. Cleveland. Cleveland and Toledo and other points.
Q. How were they shipped out of your plant?

A. I beg your pardon?

Q. I say how? By what means are they shipped out?

A. By what means are they shipped out?

Q. Yes.

A. Well, I would say 90 per cent by freight. Ten per cent by truck. Out of my department, I am speaking of.

Q. Yes. What railroads do they use to ship?

A. Pennsylvania, Wheeling & Lake Erie, and Baltimore & Ohio.

Q. Have you any idea of the volume of steel that is shipped out of your department each month, approximately? Just in a general way?

A. Oh, in the neighborhood of twelve to fifteen thousand tons out of my department alone, I am talking about.

Q. Let's put a value, please, on that steel. Can you give me the value of the steel that is shipped out each month, apart from freight loads.

A. About $160 a ton.

Q. Now, how many trucking companies do you use?

A. Well, there is an awful lot of trucking companies. Do you wish me to name them?

Q. Well, name a couple of them.

A. Michigan Motor Freight, Bambeck Fast Freight.

Q. Do you use any of your own trucks? That is, trucks owned by the Republic Steel Corporation?

A. Not outside of the state of Ohio.

Q. Do railroad cars of the various lines you have mentioned come right into the plant and pick up the steel and carry it out?

A. That is right.

Q. Their rails run right through the plant, is that the idea?

A. Not right through the plant. They connect to the plant, see, by various methods. The Wheeling & Lake Erie comes into the plant by means of an overhead bridge from the southeast, into the plant. The Baltimore & Ohio comes into the plant from the south, direct means of entrance into

the plant; and the Wheeling & Lake—the Pennsylvania comes in from the northwest by means of an overhead bridge and through Columbia Heights into the plant.

Q. What other kinds of steel is shipped out of the plant besides automobile steel?

A. Not out of my department.

Q. Well, do you know—is there any other shipping department for other type of steel?

A. Well, there is a bar finishing department, and there is the billet shed, there is the hot strip department and the cold strip department.

Q. Do they each ship steel out of the mill to various points outside of the state of Ohio?

A. Yes.

Q. And do each one of those shipping departments use the instrumentalities that you have mentioned, namely, trucks and railroads?

A. They do.

Q. The same ones that you have mentioned?

A. Yes.

Q. How many are there in your department?

A. 49.

Q. Now, have you any idea how many men there are in the other departments?

A. No, I haven't.

Q. Now, have you hired any of those 49 men yourself?

A. I beg your pardon.

Q. Have you hired any of those 49 men yourself?

A. Absolutely no; no.

Q. Have you ever fired any men?

A. Yes, I have.

Q. About how many men have you fired?

MR. DAY: I object; this is improper cross-examination; it is immaterial how many men he fired.

TRIAL EXAMINER LINDSAY: Objection overruled and note an exception.

MR. LAUTER: You may answer.

A. Do I have to answer?

TRIAL EXAMINER LINDSAY: Yes.

A. Oh, in the last six years, about two. Prior to that I have had none but I know there was two positively in the last six years.

Q. You are a foreman of the shipping department, is that correct?

A. That is right.

Q. Have you any idea how many foremen there are in the mill in a general way?

A. 55 to 60, I would say, approximately. Approximately 55 to 60.

Q. They also have the right to fire men?

MR. DAY: I object to that.

TRIAL EXAMINER LINDSAY: He may answer. Objection overruled. Note an exception.

Q. If you know?

A. I don't know how to answer that.

TRIAL EXAMINER LINDSAY: If you know; you do.

A. No, I don't know. Well, wait a minute. Yes; they haven't got the authority to discharge a man but they report to the superintendent of the department; that is the way.

Q. You mean that is the form that is used? They recommend the discharge of a particular person to their immediate superior?

A. Yes.

Q. And their recommendation is then carried out?

A. After a time it is carried out.

Q. Then is that granted in every case?

A. That is not granted in every case. That man has a right to speak his piece. They give him a fair or square deal. He has a right to speak his piece. Why he don't show up; why he was intoxicated—he has got a chance.

They give you an absolutely perfect right; same as a foreman.

Q. The two men that you fired, they got a hearing?

A. Absolutely.

Q. Then they were fired?

A. They were discharged.

Q. That is, your discharge was upheld?

A. I didn't discharge them. I just sent them to the superintendent. I called him on the phone and told him what it was.

Q. Then specifically as you testified before, you had the right to discharge a man? The last six years you discharged two, is that correct?

A. Yes.

Q. Now, on July 11th, you were down near the east end of the viaduct in that vicinity, is that correct?

A. That is correct.

Q. About what time did you get there?

A. Around between 10:15 and 10:30.

Q. Were you going to work that night?

A. No, I worked there daylight.

Q. What is that?

A. I worked there daylight.

Q. When was your turn over on July 11th?

A. July 11th, Sunday?

Q. Yes.

A. I didn't work July 11th, Sunday; we were idle that day.

Q. What was that?

A. We were idle that day.

Q. How did you happen to be there at that time?

A. Because that is my vicinity to go down to get a glass of beer.

Q. What were the instructions that were given to you that there was going to be plenty of trouble?

A. They wasn't my instructions except for my son—he was a special policeman. He said: "Dad, there is going

to be trouble down there." He says: "Keep away."

Q. What is your son's name?

A. Reed Moorhead.

Q. When did you have this conversation with your son? He told you that there was going to be plenty of trouble and to stay away?

A. Close onto 7 o'clock in the evening.

Q. Where were you with your son at that time?

A. In my home.

Q. He hadn't yet gone on duty, is that right?

A. He was off duty.

Q. When did he go on duty?

A. He went on duty at 6 o'clock Sunday morning, July 11th; and he was through at 4 o'clock; between 4 and 4:30.

Q. Between 4 and 4:30 your son told you to keep away?

A. No. He said that close onto 7 o'clock.

Q. I am sorry. It was near to 4 or 4:30 that he ended his turn with the police?

A. Yes.

Q. And it was about 7 o'clock when he told you to keep away?

A. When we were eating dinner.

Q. Now, was your son employed by the Republic Steel Corporation?

A. He was.

Q. Until when was he employed there?

A. Until the time of the strike, May 26th. Until the time the pickets came out there and prevented him from going to work, May 25th.

MR. LAUTER: I move that the answer be stricken with reference to the pickets.

MR. DAY: I move that it stay.

TRIAL EXAMINER LINDSAY: Will you read the answer?

(The last answer was read.)

TRIAL EXAMINER LINDSAY: Yes. That part about preventing him from going to work may be stricken.

Q. Now, what kind of job did your son, Reed Moorhead, have in the plant?

A. Hand grinder in the inspection department.

Q. How long had he been employed there?

A. In the neighborhood of six years; between five and six years, I would say.

Q. Does he have any supervisory duties there?

A. None whatever.

Q. Is he back working in the mill now?

A. He is.

Q. When did he go on the police force?

A. July 8th.

Q. How long did he stay on the police force?

A. I don't know. It was July 8th there. July 7th he was on.

Q. July 7th?

A. Yes. The 13th of July, why, he quit.

Q. Did you have any conversation with him as to why he quit?

A. Yes, I did.

Q. Will you state what the conversation was, Mr. Moorhead?

MR. DAY: I object; it is incompetent, irrelevant and immaterial and hearsay.

TRIAL EXAMINER LINDSAY: Objection overruled. Note an exception.

MR. DAY: Exception.

A. Do I have to answer?

TRIAL EXAMINER LINDSAY: Yes, sir.

A. Well, I don't know just exactly why he quit.

Q. All I am asking you, Mr. Moorhead, is to state the conversation, that is all.

A. Do you want the conversation?

Q. That is all I am interested in.

A. I said: "Reed, what is the matter? Are you yellow that you quit?" He said: "No, Dad, I am not yellow." He said: "If anyone thinks I am yellow, show him to me." I said: "I think you are yellow." I said: "Why, an Irishman would never quit in their fighting." Well, he said: "I ain't an Irishman." I said: "You are too an Irishman; you are part Irish." I said: "What did you quit for?" He said: "The first thing, we didn't have enough ammunition and guns." He didn't have a gun.

Q. Did you have any conversation after that as to whether or not he was present at the shooting on July 11th?

A. He wasn't.

Q. Now, is that all the conversation you had as to the reason why he quit?

A. That is all, yes, sir.

Q. That is the only reason that he ever gave you for quitting?

A. That is all.

Q. He was on from July 7th until about July 13th, is that it?

A. The 12th or 13th, I believe.

Q. Has he gotten paid for the time that he spent on the police force?

MR. DAY: I object to the form of the question as incompetent, irrelevant, immaterial and hearsay.

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception.

MR. DAY: Exception.

THE WITNESS: Do I have to answer that?

TRIAL EXAMINER LINDSAY: Yes.

A. He got $30.50. I don't know how they figured it out but that is the pay he got—$30.50.

Q. Who paid him?

A. The City of Massillon.

Q. Now, did he get any pay from the mill since May 25th?

A. No, not until he worked for it; when he went into work.

Q. When did he go into work again?

A. That I can't answer because I don't know.

Q. How soon after July 13th or 14th?

A. Well, I would say at least 10 days; until the inspection department started up. Then he was recalled.

Q. He told you to stay away from the viaduct or that vicinity, is that correct?

A. That is right.

Q. From the C. I. O. headquarters?

A. No, not the C. I. O. headquarters; that is on the west end of the viaduct on Cleveland Avenue.

Q. What was the point in telling you to stay away from there?

A. Around the east end of the viaduct.

Q. Now, when you were down there, did you hear any shooting that night?

A. Not that night I didn't. When the shooting occurred it must have been that I was further north. I didn't hear the shooting on South Erie Street.

Q. Now, you stated that you saw some cars stoned, is that right?

A. That is right.

Q. And that you knew that there had been 10 or 12 that had been stoned?

A. I said three or four that I saw—that you could hear a crash of cars.

Q. Did you say something about 10 or 12 cars had been stoned?

A. No, sir.

Q. I am just asking you if on direct examination that you didn't say that there had been 10 or 12 cars stoned?

A. Did I say that?

Q. Did you?

A. I said, did I? Was that in the minutes?

Q. If it was in the minutes that you did say that, is that true?

A. Yes, if it was in the minutes.

Q. But if it wasn't in there, it wouldn't be right?

MR. DAY: I object.

A. Now, now, you are taking advantage of me.

TRIAL EXAMINER LINDSAY: This is cross-examination.

MR. DAY: I object to it.

TRIAL EXAMINER LINDSAY: Objection overruled. Note an exception.

MR. DAY: Exception.

Q. Answer my question. How many cars did you see stoned?

A. I would say three—from four that the stones burst into them.

Q. Did you see the windows break on any of the cars?

A. I heard the crash.

Q. Did you see anyone breaking the windows?

A. I didn't see anyone breaking the windows but I heard them.

Q. Did you see anyone throw a stone that resulted in a window being broken?

A. Yes, I did.

Q. That particular stone, did you see its flight and could you see when it landed?

A. Well, I wouldn't be so technical as to that. They were—

Q. I don't mean to be technical, Mr. Moorhead.

A. Let me ask you: Could you see a stone and follow it through in flight?

Q. Well, you didn't see any stone?

A. I just heard it.

Q. You just heard the stone hit a glass?

A. That is right.

Q. You didn't see it?

A. No, sir, I didn't.

Q. You couldn't identify one of the men who did that?

A. No, sir, I couldn't.

Q. And you couldn't identify a single stone thrown by an individual and the glass being broken?

A. That is right; I couldn't identify one.

Q. Are you sure you could identify Harold Rinkes?

A. My God! That man Harold worked me for years. He is sitting right there laughing at me.

Q. Now, how many men were there with Harold Rinkes? Could you give me the number in your best judgment?

A. I went to see Harold Rinke once that night. When I saw him he was in the street.

Q. That is the only time you saw Harold Rinke?

A. Oh, I heard comments of "Where is Buster?" I was walking south on Erie Street and I heard all around me in the alley ways—they were saying: "Where is Buster at?" That is the nickname of Harold. I didn't know where Buster was; I was looking for Buster.

Q. Why were you looking for Buster?

A. Well, I wanted to see if he was there.

Q. Why did you want to see if he was there?

A. Well, he is a pretty strong C. I. O. boy.

Q. Well, what interest had you in seeing if the C. I. O. boys were there?

A. They all would be there stoning at these cars.

Q. They all would be there?

A. Absolutely.

Q. How many did you see; about 100?

A. About 100.

Q. Are you sure you can judge how many were there?

A. Well, I would—

Q. I mean you are sure it wasn't 75 or 50?

A. I said about 100. I will still stick to it.

Q. You want to stick to 100?

A. Around that vicinity.

Q. Where were those hundred men?

A. All scattered around there. I would say Maple Street to the viaduct south.

Q. Do you know whether or not they were C. I. O. men, Mr. Moorhead?

A. Those men?

Q. Yes.

A. Who the hell else would be there? Who the hell else would be there stoning those cars?

Q. Will you answer my question? Answer my question as to whether or not the hundred men that were there; if you knew that they were C. I. O. men?

A. No, I would not—

Q. Did you or didn't you?

A. No, I would not know.

Q. Did you or didn't you know? Now, that is capable of a yes or no answer. Did you know whether or not they were members of the C. I. O.?

A. Yes.

Q. Now, you tell me how you knew.

A. I knew that one positively is a C. I. O. member.

Q. Tell me how many of the hundred men you saw there you knew were C. I. O. men, and how you knew it.

A. I wouldn't go on the record as to saying how many of them were. There were a lot of men there—I don't know their names. They would run out from the dark and back again as soon as they threw the stones.

Q. And you don't know whether they were C. I. O. men or not?

A. No, I wouldn't say they were. Why go into that?

Q. You were there that night?

A. You bet I was there.

Q. You made 101?

A. I used to be a 10-second man years ago when I was lighter than I am now.

Q. You weren't able to identify any of the hundred men?

A. That is right; only one I saw but I didn't see him throw stones.

Q. You didn't see Harold Rinke?

A. No, sir.

Q. Everybody was calling for Buster?

A. I wouldn't say everybody but you could hear that between the different driveways: "Where is Buster at?"

Q. The one man you knew that was there was Harold Rinke and you didn't see him throw any stones?

A. I didn't see Harold throw any stones.

Q. Now, were there any other foremen there?

A. Not, that I know of; I didn't see them if they were there.

Q. Were there any other employees of the Republic Steel Corporation other than these hundred men there?

A. There were plenty of them there. There were plenty of them around those lines.

Q. They were going to work?

A. No, they were out to see the fun as they called it.

Q. Then did they expect fun that night?

MR. DAY: I object to that.

MR. LAUTER: The witness has testified that they were there to see the fun.

MR. DAY: I object to it as improper cross-examination what somebody expected them to find.

TRIAL EXAMINER LINDSAY: I will sustain the objection.

Q. Well, now, describe the activities of those who were present? Harold Rinke or any of the hundred men who were there? Tell us who was there.

A. It seems the entire south end of all of Massillon was congregated on South Erie Street around there at a quarter to 11. The blocks was packed with people—men, women and children. Put me in mind of the time when we had to run the gauntlet that night.

Q. All there to see the fun?

A. All to see the fun as they called it.

MR. LAUTER: That is all.

Redirect Examination

Q. (By Mr. Day) You say you recognized Harold Rinke sitting in the car?

A. Yes, I did.

Q. Now, you said that you have believed that the men who threw the stones were C. I. O. men. Why did you believe that?

MR. LAUTER: I object to the question.

TRIAL EXAMINER LINDSAY: He may answer.

MR. LAUTER: Exception.

A. Seems as I answered it. I told Mr. Lauter here why, who else would be down at the plants throwing stones?

MR. DAY: That is all.

MR. LAUTER: I ask that the answer be stricken.

TRIAL EXAMINER LINDSAY: I will let it stand.

Recross Examination

Q. (By Mr. Lauter) Do you know what an agent provacateur was?

A. What?

Q. Do you know what an agent provacateur is?

A. I beg your pardon?

Q. Did you ever hear of a man provoking and fighting for the company?

A. No, I didn't.

Q. You never heard of such a man?

A. No.

Q. You can't conceive of somebody from the company throwing the rocks to start trouble?

A. No.
Q. What is that?
A. No, sir.
Q. You can't conceive of that?
A. No, sir.

MR. LAUTER: That is all.

MR. DAY: That is all.

(Witness excused.)

CLARENCE H. BORELL

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Day) You pronounce your name Borell?
A. Yes.
Q. Where do you live?
A. 1440 Erie Street, South.
Q. In Massillon?
A. Massillon, that is right.
Q. What is your business?
A. Working for the Republic Steel Corporation in Massillon.
Q. In what capacity?
A. Clerk.
Q. In what department?
A. Mill department.
Q. How long have you worked for Republic?
A. Approximately 10 years.
Q. Where do you live?
A. 1440 Erie Street, South.
Q. And where is that with relation to the intersection of South Erie and the viaduct?
A. It is about 350 to 400 feet from the viaduct.
Q. In what direction?

A. South of the viaduct on the east side.

Q. Where were you the night of Sunday, July 11th?

A. I was to the picture show. About a quarter to 10.

Q. And then where did you go?

A. I came home and parked my car in the garage that is located in the Enarco gasoline station.

Q. Where were you? At home?

A. On the way home I met a gentleman—

Q. No conversation. Where were you, yourself?

A. I was on the front porch.

Q. What did you see while you were on the front porch?

A. I noticed three cars coming up and parking in front of my residence.

Q. What, if anything, did you notice about any of those cars?

A. One of those cars had a C. I. O. sticker on the front of his windshield, I believe. I am not sure if it was the windshield or the rear window.

MR. LAUTER: Will you read that answer?

(The last answer was read.)

Q. And in what direction were those three cars headed?

A. They were headed north.

Q. On what side of Erie Street?

A. East side of Erie Street.

Q. East side of Erie Street that you live on?

A. On the east side of Erie.

Q. Did you notice anybody in any other cars?

A. Why, there was one that was in the first car, two or more in the second, and one fellow in the third car.

Q. Now, just tell us what you saw happen then?

A. I seen—those cars parked there until about 10:15, then they proceeded slowly down the street. Two doors north and then stopped again.

Q. Yes.

A. I seen one man get out of the middle car and

then walk down the street. Later I seen the three cars move along down the street to about the address of this house I happened to know it is 1410 Erie Street South, when all at once about 25—between 25 after and 10:30 I seen two of the cars make a dash north and then turn north onto the viaduct, and then I heard a crash. I could not see the crash.

Q. How soon did you hear the crash after you saw the two cars turn in the viaduct?

A. Immediately.

Q. Then what did you do?

A. I ran down to the bottom of the steps of my residence and I seen a man running up on the west side of the street with a policeman following him, and the policeman hollered at him to halt or stop, twice. Then he shot in the air twice. There was a car parked there about half way up, that this man got behind, and then he came out and surrendered to the policeman.

Q. Did you see or get the license numbers of any of the cars that you were telling us about that night?

A. Yes, sir.

Q. Will you let us know what they were?

A. How they were lined up, I don't know. Here is the license number. M-812-Z. P-216-D. And N-818-N.

Q. Did you go up to the viaduct at all?

A. I would say about an hour later I went up to the viaduct.

Q. At that time was everything cleared away?

A. Why, I noticed one wrecked car over there, but did not walk over because I was afraid, myself, and I noticed this car N-818-N parked in front of 1410 Erie Street South.

Q. Did you see any people around the viaduct? At the intersection of South Erie that night?

A. Well, I didn't pay particular lot of attention to that, other than when I went down to the bottom of the steps after I heard the crash, I could see people gather-

ing from all directions, but I couldn't tell you how many people because I didn't—when the policeman made the shot I ran up back on my front porch.

Q. Do you know where South Erie Grill is?

A. Yes, sir.

Q. Where is that?

A. That is on the corner, the northwest corner of the viaduct.

Q. Did you see anything happen or any people in around the South Erie Grill that night?

A. I seen people come out of the South Erie Grill at the time of the accident, at the time of the crash.

Q. Can you give us any idea how many you saw come out of the grill?

A. Oh, I wouldn't know, in the neighborhood of ten to 20. I am not positive on that figure.

Q. Now, have you told us all that you saw and heard there that night?

A. That is about all that I can remember.

MR. DAY: I think that is all.

Cross Examination

Q. (By Mr. Lauter) What is your position with Republic Steel Corporation?

A. Mill clerk.

Q. Just wait until I finish the question. What clerk?

A. I am mill—I work in the mill department as a clerk.

Q. How long have you worked there?

A. On this particular job about one year.

Q. You were to the movies on July 11th?

A. That is correct.

Q. What movie house did you go to?

A. I don't remember if it was either the Lincoln or Grand, in Massillon. I don't remember which one.

Q. Do you remember the name of the picture that you saw?

A. No, I don't.

Q. Did you go alone?

A. No, I went with my wife.

Q. Do they have regular shows?

A. I beg your pardon?

Q. Do they have a continuous showing at that movie house?

A. They do on Sunday.

Q. What are the shows? What shows?

A. I couldn't tell you that exactly.

Q. Did you come out after the last show?

A. No, I didn't.

Q. What time did you come out?

A. I came out about 9:30, between 9:30 and 10, 9:45.

Q. Is that the time you testified to on direct examination, 9:45?

A. That is right.

Q. How long does it take to drive from the movies to your home?

A. Well, I don't go that evening, was in no particular hurry. You can't drive down there in five minutes, maybe shorter length of time than that. That evening I arrived at my home about 10 o'clock.

Q. What did you do after you arrived home?

A. I beg your pardon?

Q. What did you do after you arrived at your home?

A. Went out on my front porch after changing—I changed my shoes and put on my house slippers.

Q. How long did that take you?

A. Very short length of time.

Q. How long would you say?

A. I would say I might have mussed around the house for about five minutes.

Q. About what time was it when you got back on the porch?

A. Well, I would say about 10 after 10:00.

Q. About 10:10?

A. About in there.

Q. You saw three cars parked, is that right?

A. I saw three cars parked, yes, sir.

Q. Where did they park?

A. In front of my residence.

Q. How soon after you came out and sat on the porch did they park?

A. Oh, I would say about five minutes.

Q. That would be about 10:15, right?

A. That is right.

Q. You say you noticed a CIO sticker on one of those cars?

A. Yes, sir.

Q. Did you notice whether the two other cars had CIO stickers?

A. No, I didn't. I couldn't tell you that, only the one.

Q. Was there any conversation or any talk between the people in those three cars?

A. I didn't notice that.

Q. Did you see any of them get out of the cars?

A. Yes, sir, I did, after they moved down the street.

Q. At the time that they parked near your house, did they get out of the car?

A. I didn't notice that.

Q. You are not able to testify whether the CIO sticker was on the front window or the rear windshield?

A. No, I am not sure of that. I remember the CIO sticker being on the car.

Q. You aren't able to testify on what car?

A. No, sir.

Q. That is, the car with what license number it was on?

A. No, I can't tell you that.

Q. How long did those cars park there?

A. A short period of time, I would say a few minutes

after, about five minutes after they parked.

Q. About 10:20, now?

A. I imagine.

Q. Then what did the cars do?

A. Moved on down the street for about a couple of minutes, parked two doors down from my place, why a man got out and walked down the street.

Q. Did you notice what car he got out of?

A. The middle car.

Q. Is that the car with the CIO sticker?

A. I could not tell you.

Q. Did he speak to anyone in the other cars?

A. I didn't notice it.

Q. Was there a good deal of traffc on South Erie Street at that time?

A. Well, not particularly in that direction.

Q. What direction was that?

A. That was north, or south of the viaduct.

Q. South of the viaduct, on South Erie Street?

A. That is right.

Q. How far south of the viaduct is that?

A. 350 feet to 400.

Q. You say there was not much traffic at 10:20, is that correct?

A. I didn't notice a whole lot of traffic. An occasional car going by.

Q. From your porch could you see up South Erie Street?

A. Which direction?

Q. How far could you see in either direction?

A. Oh, you can't see much beyond the viaduct from my porch looking north. And you can't—well, you can't see very far looking south.

Q. And the cars that parked aside of your residence, how far from your front porch were they?

A. Oh, I don't have any idea; about 15 or 20 feet, I imagine from my front porch to the curb.

Q. Is there any kind of a street light in front of your house?

A. I can't tell you that.

Q. You don't know?

A. I don't know.

Q. This was about 10:20 at night?

A. About 10:15.

Q. 10:15?

A. That is right.

Q. Pretty dark about that time?

A. Yes, it is, especially that evening.

Q. And you could see the CIO sticker?

A. That is right. I have looked at so darn many, I was used to seeing them.

Q. Do you know how large a CIO sticker is?

A. Yes.

Q. About how large is it?

A. About like that (indicating).

Q. What shape is it?

A. Oblong.

Q. What does it have on it?

A. "CIO".

Q. And what color is the paper it is on?

A. I believe the letters is in black and the other is in white.

Q. What is that?

A. The black—the background is in white; letters are in black.

Q. Is there any border around the sticker?

A. Well, I never paid that much attention.

Q. You have seen a great many of them?

A. Yes, I have; and each one I seen I ducked.

Q. What is that?

A. Everyone I seen, I ducked.

Q. You ducked?

A. Yes.

Q. What do you mean, you ducked?

A. I didn't care for any man to see me, who was in one of those cars. I was scared of them.

Q. Now, you testified about three license numbers.

A. Yes, sir.

Q. When did you get those license numbers?

A. I had my automobile keys in my pocket, which I took out and on the porch of my home I scraped those numbers.

Q. When did you scrape those numbers?

A. Well, when I come out on the front porch and seen those cars there, there was a neighbor lady too, there, and we were talking and she mentioned about—

Q. She mentioned what?

A. About—she mentioned the suspicious looking—the suspicion of the cars and I told her myself they looked kind of suspicious to me.

Q. Three cars just coming up and parking near your house made you suspicious?

A. Well, earlier in the evening I heard there was going to be trouble.

Q. Who did you hear from, that there was going to be trouble?

A. A neighbor by the name of Mark Conrad.

Q. How is that?

A. A neighbor by the name of Mark Conrad.

Q. Does he work in the mill?

A. Yes, he does.

Q. What kind of work does he do?

A. I am not positive.

Q. Have you ever spoken to him about the kind of work he does?

A. He works in the sheet division.

Q. Do you know what kind of a job he has there?

A. No, I don't. He is in the cold roll department, and I don't know a whole lot about the sheet department.

Q. Was he working at that time?

A. He was.

Q. When did you have a conversation with him?

A. On the way home that evening from my garage to my home, he was waiting, standing under a tree down about 250 feet from my home, watching to see if there was anything.

Q. And he told you that they were expecting trouble that night?

A. He said he heard that afternoon there was going to be trouble.

Q. He heard that afternoon there was going to be trouble?

A. I don't know what time he said.

Q. No, I say that is what he said to you, the exact words?

A. The exact words he said to me, all I know is what I heard—he told me there was going to be trouble. The exact words I don't know.

Q. Well, did he or didn't he say that he had heard that afternoon?

A. No, he didn't say that afternoon. I can't say specifically that he did.

Q. Did you mention something a moment ago about the afternoon?

A. Yes, I did. But that came out of my mouth, which it should not have come out.

Q. Why shouldn't it have come out?

A. Well, I don't know for sure that he said that, in the afternoon or what. All that I know is that he said there was going to be trouble, he told my wife and I.

Q. About what time was that when he told you?

A. About 10 o'clock, near about.

Q. Near 10 o'clock?

A. That is right.

Q. You were on your way home from the movies?

A. That is right.

Q. Now, you got all these three license numbers, is that correct?

A. That is right.

Q. Did you watch the movements of the cars after that?

A. I did, I watched very close.

Q. Was this lady from next door watching them also with you?

A. I couldn't tell you that for sure.

Q. What happened to her after you took down the license numbers?

A. I couldn't tell you that.

Q. You don't remember?

A. No, I don't remember. There was quite a crowd on my front porch that evening. There had been—

Q. You say there was quite a crowd on your front porch?

A. Yes.

Q. It is usual for there to be quite a crowd there?

A. No.

Q. How many—did you know the people who were on your porch?

A. Some of them. Some of them I did not. They were watching, so many people.

Q. What were they watching?

A. After that they were watching the sham battle, I guess. I didn't see it. I couldn't see very much from our house. It was after 11 o'clock when these people were there.

Q. Well, you took down the numbers at about 10:15?

A. That is right.

Q. And the lady was from next door was with you at 10:15?

A. As I remember, yes.

Q. And it was not until 11 o'clock that the people came to watch the sham battle?

A. Well, that is when that sham battle started.

Q. Between 11:15 — between 10:15 and 11 o'clock what did you do?

A. I stayed on my front porch.

Q. All the time?

A. Yes, sir.

Q. After the three cars parked, you watched their movement, is that right?

A. That is right.

Q. You saw them go down the street, say that is north on Erie Street—is this north or south, which was it?

A. They went north.

Q. They parked about 150 feet up?

A. That is right.

Q. How far is it from your house to the viaduct?

A. 350 to 400 feet, I would imagine that is what it is.

Q. Then describe what you saw those three cars do after that?

A. They moved on down to the location at 1410 Erie Street South, which is the house number I happen to know. And then out—

Q. Where is that located with respect to the viaduct?

A. That is the second house. There was the storeroom and then the house, and that is the house—it is the front house south on the east side of the road going towards the viaduct.

Q. And you saw them pretty clearly from your porch?

A. I could.

Q. Can you see past them?

A. Not very clear, no.

Q. Do you mean your vision would stop just about where the cars were?

A. No, it would be about—I would say about 200 feet beyond that. I couldn't see very well.

Q. Let me get this straight. When the cars were the second house down from the viaduct you can still see 200 feet past them; is that correct?

A. I imagine so, yes. I never paid a whole lot of attention to that.

Q. Could you tell what you saw about 200 feet north of the cars? Was there traffic there?

A. I never paid any particular attention to that, I was watching those cars.

Q. What did you see the cars do after that?

A. I seen them about 10:30, two cars making a dash for the viaduct by going north and turning left into the viaduct, and then I heard a crash. I could not see. I did not see the crash.

Q. Do you know which of the two cars, the front or the rear of the cars—

A. No, I didn't. I couldn't tell you that.

Q. You watched the cars though, didn't you?

A. Yes, and I seen both cars go—three cars.

Q. There were three cars there—

A. Well, the third car didn't go.

Q. And you didn't see which of the two of the three cars were, is that right?

A. I think the first two cars.

Q. Are you sure of that?

A. I am pretty sure.

Q. You didn't see the crash?

A. No, I didn't. I couldn't testify that I seen the crash.

Q. And you can't identify any of the persons in the car?

A. No, I can't.

Q. Now, after the crash, was it after the crash that some people come out of the South Erie Grill?

A. That is right.

Q. You don't know why they came out, do you?

A. I suppose that they heard the crash and came out to see what it was, or what other ideas it was, I don't know. That is all I can tell you.

MR. LAUTER: That's all.

MR. DAY: That's all.
(Witness excused.)

DONALD M. DENZER

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Day) State your name, please?
A. Donald M. Denzer.
Q. Where do you live?
A. 2701 Eighth Street, N. W. Canton.
Q. What is your business?
A. I work for Republic Steel.
Q. Talk a little bit louder so we can hear you back there.
A. I work for Republic Steel.
Q. In what capacity?
A. Observer at the open hearth.
Q. How long have you been an observer at the open hearth?
A. Two years the latter part of this month.
Q. That is at the Massillon plant?
A. Yes.
Q. Are you married?
A. Yes, sir.
Q. Where do you live?
A. 2701 Eighth Street N. W. Canton.
Q. You live in Canton?
A. Yes, sir.
Q. And work in Massillon?
A. Yes, sir.
Q. Where were you about 10 or 10:30 in the evening of July 11th last?

A. Approximately 10:30 I was at the corner of Oberlin Road and South Erie.

Q. What were you doing?

A. I was stopped.

Q. Well, before that, what were you doing?

A. Well, I was driving down South Erie.

Q. In your automobile?

A. That is right.

Q. Where were you bound for?

A. To the Republic Steel Corporation.

Q. That is, you were going to work, were you?

A. Yes, sir.

Q. Were you alone in your car or was somebody with you?

A. I was alone.

Q. Now, you say you were stopped, where did that happen?

A. Well, I had turned around the—rounded the corner to the—the position where I was sitting was approximately on the continuation of the crosswalk on the west side of Erie Street.

Q. You were going south?

A. No, I was turned in towards the viaduct.

Q. You were turned towards the viaduct?

A. I was—where I was sitting in my seat was approximately on the crosswalk.

Q. Of what street?

A. South Erie, the crosswalk crossing Oberlin Road.

Q. Well, prior to that time you had been driving south, had you?

A. Oh, yes.

Q. On south Erie?

A. Yes, sir.

Q. And when you turned in this crosswalk, in what direction was your car headed?

A. Well, very nearly west. If Oberlin Road runs directly east and west, I don't know whether it does.

Q. Well, what happened?

A. Well, there was an officer on that side of the street and he started walking towards me, and all at once he turned and shouted, "Stop that car." I looked to my left and saw a car next to the curb, on the south side of the approach of Oberlin Road.

MR. LAUTER: I am sorry, I can't hear this witness.

MR. DAY: I can't hear him so very well, myself. Now, just talk up louder so we all can hear you.

(The record read by the Reporter.)

Q. Now, on what street was this car that you saw?

A. He was on the approach to the viaduct.

Q. Bound in what direction?

A. Directly opposite me, directly to my left.

Q. All right, go ahead.

A. He was travelling at a speed of between 10 and 15 miles per hour.

Q. What if anything did you notice about that car?

A. Well, right at that moment, I didn't notice anything about it. As he went a little further along, I noticed a C. I. O. sticker in the rear window.

Q. In the rear window?

A. Yes.

Q. All right. Now tell us what happened to that car? What did it do?

A. Well, when the officers shouted he was in one of the lower speeds.

Q. Yes.

A. He applied the power and steered directly into the abutment on the right-hand side of the viaduct.

Q. About how far away from that from where you were?

A. 30 feet.

Q. After that what did you see there?

A. There was another car directly behind him.

Q. Coming from what direction?

A. Well, the first I saw him, he was directly opposite me on the approach.

Q. All right. What if anything did you observe about that car?

A. He was traveling about the same rate of speed.

Q. What did he do?

A. He did the same thing the other fellow did. Applied power and collided with the third machine—the right side of his bumper striking the rear of the bumper on the first machine.

Q. What if anything did you observe on the second car?

A. I didn't identify any particular object.

Q. Well, did you see anything on the windshield or the window on the second car?

A. I wouldn't testify to that.

Q. After these cars made these movements that you have described, what was their position with reference to the entrance to the viaduct?

A. The first car had the front end over near the abutment or the beginning of the rail; and the second car was at an angle with his rear protectively blocking off the viaduct.

Q. What did you do then?

A. Stayed right where I was.

Q. Now, how long did you stay there?

A. Approximately three minutes.

Q. Well, while you were there, what else did you see anybody do? What else did you see happen?

A. Well, a few seconds after the second collision there was another collision to the rear and to the right of me. I turned around and saw that a car facing north had collided with a car facing south.

Q. Did you go back there?

A. No, sir, I stayed in the car.

Q. Did you see any people there then?

A. At the sound of the third collision there was a

number of men rushed over—I think it is a cafe—it is the second door off the viaduct north on Oberlin Road.

Q. Then, what did you see happen?

A. Well, quite a number of them ran down around my car and ahead of my car.

Q. What did they do?

A. Well, just about the time they got to the front of my car they were met by a police officer. He commanded them to go back and they slowly did so.

Q. Now, did you see anything else happen there that night?

A. No, not that I can recall right now.

MR. DAY: That is all.

Cross Examination

Q. (By Mr. Lauter) What kind of work do you do for Republic?

A. Observer for the open hearth.

Q. How long have you been employed there?

A. At Massillon it will be two years, the latter part of this month.

Q. Did you go out on strike on May 25th?

A. I didn't quit.

Q. Did you remain in the mill?

A. After May 25th?

Q. That is right.

A. I did.

Q. How long did you stay in the mill?

A. After May 25th?

Q. That is right.

A. 10 days.

Q. How many?

A. 10 days.

Q. How many hours a day did you work in the mill?

MR. DAY: May I state an objection to this line of

questioning on the ground that it is improper cross-examination?

TRIAL EXAMINER LINDSAY: Objection overruled. Note an exception.

MR. DAY: Exception.

A. Approximately 12 hours.

Q. Each day?

A. Each day.

Q. You slept in the mill?

A. I did.

Q. Cots were provided for you?

A. I had one.

Q. You had one the first day of the strike?

A. Yes.

Q. How much pay did you receive for each day that you worked there?

A. 16 hours.

Q. 16 hours pay?

A. That is right.

Q. After you lived in the mill, having remained in there some 10 days, when did you return to work again?

A. Well, 11 o'clock, July 9th. 11 o'clock p. m.

Q. Who suggested that you return at that time?

A. No one suggested it. I called practically every day until my superiors told me to come to work.

Q. While you were in the mill for the 10 days, did you attempt to get out?

A. I didn't.

Q. And each day you called and attempted to get back?

A. I beg your pardon?

Q. Each day you got out in an attempt to get back?

A. No, sir; as soon as I heard that the mill had started I called each day.

Q. When did the mill start, do you remember?

A. I don't know. I think it was July 3rd or 4th.

Q. Called each day after that, is that right?

A. That is right.

Q. Did you go to the mill after July 4th or did you only call? Did you ever go to the mill?

A. No, sir, not until I went to work.

Q. July 9th was the first night?

A. That is right.

Q. When you got to the viaduct, was your car stopped by any policemen?

A. On the night of July 9th?

Q. That is right.

A. No, sir.

Q. Did you go to work on the 10th?

A. Yes, sir.

Q. Was your car stopped on that night?

A. No, sir.

Q. You had no difficulty going over the viaduct, is that right?

A. Not those two nights.

Q. Any policemen objected to you going over the viaduct?

MR. DAY: I object to that.

TRIAL EXAMINER LINDSAY: Objection overruled. Note an exception.

MR. DAY: Exception.

A. None ever arrested me, no.

Q. You live at Canton, is that correct?

A. That is right.

Q. On July 11th about that time did you arrive at the viaduct?

A. Approximately 10:30 p. m.

Q. After that you heard a policeman say: "Stop that car?"

A. That is right.

Q. Do you know what policeman it was that said that?

A. No, I don't.

Q. Do you know what car he was referring to?

A. Well, I know which direction he was looking.

Q. What direction was he looking?

A. South.

Q. Looking south?

A. Yes.

Q. Where was he standing at the time he said: "Stop that car?"

A. About three feet away.

Q. Were you on South Erie—

A. My right front fender.

Q. Were you on South Erie or on South Oberlin?

A. I was part way around onto the approach to the viaduct.

Q. Was he in front of your car or alongside of your car or in back of your car?

A. He was on the sidewalk; he was in the street.

Q. Where was he with respect to your car? Was he in front of it, in back of it, or in the side of it?

A. I would say he was about three feet from it; I can't quite figure out the angle but he was at a 45 degree angle from the front of my fender.

Q. With reference to your car, was he in front of it, in back of it, or alongside of it?

A. I am speaking about the front of my front fender.

Q. Was he in front of your car with respect to the front fender or alongside of it or in back of it?

A. No, he wasn't in front of it, neither was he in the side of it.

Q. Neither was he in the rear?

A. No.

Q. This is Cleveland Avenue right here (indicating), see?

A. Yes.

Q. That is Oberlin Avenue?

A. That is right.

Q. Here is the viaduct?

A. That is right.

Q. And here is Erie Street (indicating)?

A. That is right.

Q. Now, you tell me what the position of your car was on this map.

A. That is not correct because it is not curved.

Q. The map is not correct?

A. It is not correct.

Q. If that map were correct, if that would be a street lying there, it would be a right angle?

A. It would be curved.

Q. It would be curved?

A. Yes.

Q. And also partway around the curb?

A. I testified from my front side. He was approximately on the cross-walk.

Q. This policeman shouted: "Stop that car?"

A. That is right.

Q. Which way was he looking?

A. South.

Q. South of Erie Street?

A. What?

Q. South on Erie Street?

A. No, he wasn't on Erie Street.

Q. Which way? On what extension of Oberlin Avenue?

A. He was on an approach to the viaduct.

Q. Now, how far from Erie Street is the viaduct?

A. You got me there. I would say 50 feet, possibly more.

Q. How far from the viaduct?

A. That is 60 feet from the corner.

Q. He was 50 feet from the corner?

A. I beg your pardon?

Q. You say the viaduct was 60 feet from the corner of Erie Street?

A. Possibly more.

Q. Possibly more?

A. Possibly more.

Q. 75 feet or 100?

A. No, I don't think it would be 100.

Q. Maybe 75?

A. Might be.

Q. Was he standing about 70 feet from Erie Street at that time?

A. No, sir.

Q. Where was he standing with reference to you?

A. He was standing about three feet from the front of my right front fender.

Q. With reference to your car, where was he standing? Where was he standing? How close to Erie Street was he?

A. Seven feet.

Q. He was looking south?

A. Yes.

Q. Was he looking down Erie Street, and he was seven feet from the corner looking south?

A. No, he was looking at the car.

Q. Looking at your car?

A. No, at the car across the street.

Q. Was that the car at which he was directing his remark "Stop that car?"

A. I can't tell you that because I am not sure.

Q. How fast was that car going?

A. From 10 to 15 miles an hour.

Q. You say he was in low gear?

A. In one of the low gears; low or second.

Q. When did you first notice that it had this sticker?

A. Well, about the time that it hit the abutment.

Q. With respect to your car where was this car?

A. Right directly in front.

Q. Did he get in front of your car in order to hit the abutment?

A. No, it wasn't necessary. He was in front but not that close.

Q. At that time you saw the car, did you notice what kind of car it was?

A. I couldn't identify it.

Q. Did you know what color of car it was?

A. Well, it wasn't black. It was probably blue—

Q. I don't want your guess. If you know, state your answer for the record.

A. I wasn't guessing.

Q. What is that?

A. I wasn't guessing.

Q. Go ahead.

A. It was either blue or green. At night it is rather hard to distinguish.

Q. How large a car was it?

A. Well, I would say it wasn't one of the small or medium class cars. It wasn't a large car.

Q. Was it a coupe or a sedan?

A. A sedan.

Q. Did you notice how many people were in the car?

A. I saw one.

Q. After the crash did you see him get out?

A. I saw the patrolman taking him out. The patrolman was next to the car and he was taken out. That was on the other side of the car; I couldn't tell you as to the manner.

Q. But you did see the patrolman take the man out of the car?

A. I saw a patrolman next to the car.

Q. Did you see him take him out of the car?

A. No.

Q. After the crash the man tried to get out himself, did he not?

A. I can't say.

Q. You are sure there was only one person in that car?

A. No, sir.

Q. You aren't sure?

A. No, sir.

Q. But you say there was only one person in the car?

A. I said I saw one.

Q. But you don't know how many there were?

A. No.

Q. Well, after the crashes that you heard, you saw some men come out of a cafe, is that correct?

A. That is right.

Q. The policeman ran ahead of your car? In front of your car?

A. Several came as far as in front of my car.

Q. How many men came out of the cafe?

A. I don't know. I wasn't looking.

Q. What is your judgment on that?

A. I wasn't looking at the entrance of the cafe at the time.

Q. How many did you see come out?

A. From the front of my car to the entrance of the cafe I should judge there was from 20 to 30 men.

Q. Were those the men that came out of the cafe?

A. I don't know.

Q. Didn't you testify that those were the men that came out of the cafe?

A. I don't know.

Q. How many men did you see come out?

A. I didn't count them; I couldn't count them.

Q. You don't know?

A. I didn't count them.

Q. So you don't know?

A. I don't know positively.

Q. Well, unpositively how many?

A. I don't know how many came out of the cafe. I saw a number of men coming out of the cafe.

Q. About 200?

A. No, sir.

Q. About five?

A. No, sir.

Q. Somewhere between 5 and 200?

A. I remember seeing—the number was between 5 and 200.

Q. But you can't give me any closer estimate than that?

A. Yes, sir, I have already said between 20 and 30 came out of the cafe.

Q. You say they came out of the cafe?

A. I didn't see all of them come out of the cafe.

Q. How many did you see come out of the cafe?

A. I saw one man come out of the cafe.

Q. Is that all?

A. No.

Q. How many men?

A. I don't know.

Q. You don't know how many men came out of the cafe?

A. No, I didn't count them.

Q. You didn't?

A. No.

Q. You saw them walking alongside, walking in front of your car, is that correct?

A. There were at least three men in front of my car.

Q. The policeman told them to go back?

A. He did.

Q. Any of those men have any stones in their hands?

A. I didn't see them.

Q. Did you see anybody throw any stones?

A. I didn't.

Q. When the policeman told them to go back, did they go back peaceably?

A. Well, there it might be described as menacing.

Q. Now, you tell me how they went back.

A. How does a person look?

Q. Don't answer me. When you say menacing, what do you mean?

A. It was just their appearance; their attitude.

Q. Will you describe their appearance?

A. When a man backs up, takes short steps, acts as if he is unwilling to go, and uses abusive language, I would say their attitude was menacing.

Q. Did you hear any abusive language used?

A. I did.

Q. That was to the policeman?

A. Well, the man was facing the policeman. There was no one between.

Q. What did the policeman do?

A. He kept backing them up.

MR. LAUTER: That is all.

Redirect Examination

Q. (By Mr. Day) I want to ask you one more question about the map. I want to ask you about the map being correct or incorrect. Were you referring up here to the corner of Erie Street and the viaduct?

A. That is right.

Q. And I understood you to say where this is a straight angle it should be curved?

A. That is right.

MR. DAY: That is all.

Recross Examination

Q. (By Mr. Lauter) Are you familiar with that area around there?

A. What area are you speaking of?

Q. Cleveland Avenue and Oberlin Avenue; Erie Street. Are you familiar with that?

A. Not very well.

Q. Do you know the City streets up from Oberlin Avenue?

A. Which way?
Q. Going up Cleveland Avenue?
A. No, sir, I don't.
Q. Do you know any of those streets going up Cleveland Avenue?
A. No, sir.
MR. LAUTER: That is all.
MR. DAY: That is all.
(Witness excused.)

TRIAL EXAMINER LINDSAY: We will take a short recess.
(Recess had.)

TRIAL EXAMINER LINDSAY: The hearing is called to order.

WILLIAM NORRIS

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Day) State your name, please.
A. William Norris.
Q. Where do you live?
A. Route 4, Massillon.
Q. R. F. D. 4. Where do you work?
A. At the Republic Steel.
Q. In what department?
A. 34 inch mill.
Q. How long have you worked for Republic?
A. 19 years.
Q. And did you work up until the time of the strike?
A. Yes, sir.

Q. Then did you stop working when the strike was called?

A. I did.

Q. And when did you go back to work again?

A. On the 9th of July.

Q. On the 9th of July?

A. Yes.

Q. Where were you on Sunday night, July 11th, about 10 or 11 o'clock?

A. I was home until about five after 10:00 when I started to work.

Q. You started to go back to work?

A. Yes.

Q. And where did you drive?

A. I come in on Walnut Street and down Third to South—down South to Erie, and down Erie to the viaduct.

Q. Where did you turn onto South Erie Street last night?

A. From South Street.

Q. And how far is South Street from the viaduct corner?

A. Oh, it is three-quarters of a mile or more.

Q. North or south of the viaduct?

A. North.

Q. Were you driving your automobile?

A. Yes, sir.

Q. Was anybody with you?

A. No, sir.

Q. Now, when you got down near to the corner of South Erie and the viaduct, just tell us what you saw happen in your own way?

A. Well, I got pretty close to the viaduct and the traffic slowed up. I just got down to the mouth of the viaduct and the car ahead of me stopped.

Q. The car ahead of you stopped?

A. Yes.

Q. Then what did you do? What did your car do?

A. I stopped right behind him.

Q. About how far were you from the viaduct at that time?

A. Oh, I just started to turn in, in the mouth, off Erie.

Q. Then what happened?

A. Well, about 20 men surged out into the mouth of the viaduct there. Police tried to get them off and they run two cars in behind me.

Q. They ran two cars in behind you?

A. Yes.

MR. LAUTER: May I have the answer read?

(The last answer was read.)

Q. Who ran the two cars in?

A. I don't know who it was.

Q. What happened to the two cars?

A. Well, they were—they ran one into the pier of the viaduct there, and one right in behind him, right up against him, wrecked him.

Q. One run into the pier of the viaduct?

A. Yes.

Q. The other one ran where?

A. Right into—in behind, smacked into the back end of him.

Q. Of the first car?

A. Yes.

Q. And then what happened?

A. Well, somebody let out a war whoop and stones and beer bottles and everything else started to fly.

Q. You say stones and beer bottles and everything else. Can you tell anything else besides stones and beer bottles?

A. No, bricks.

Q. Anything else?

A. Bolts.

Q. Where were you when the stones and beer bottles were thrown?

A. I was sitting in my car.

Q. And then what happened?

A. Well, one beer bottle passed clear through one door and out the other door.

Q. Of your car?

A. Yes, sir, the guy on the east—

Q. I understood you to say it went in one door and out the other?

A. Yes, sir.

Q. Were your doors up or down?

A. I had the glass down in both doors.

Q. Had the glass down?

A. Yes.

Q. Then it didn't break the glass?

A. It did not.

Q. It went through one window and out the other open window?

A. Yes, sir.

Q. Did anything else happen?

A. Well, I started looking around then and then a guy I seen took around the car on the east side of me.

Q. Then what happened?

A. So I went back in the corner of the car, and a stone come in and hit the corner of the windshield and struck right in the glass.

Q. Did you get the stone?

A. Yes, sir.

Q. Have you got it with you?

A. Absolutely.

Q. Let's see it.

(Witness produces stone).

Q. Do you want to keep it? Do you mind our taking it?

A. I would like to keep it.

MR. DAY: May the record show that the witness produces a stone?

TRIAL EXAMINER LINDSAY: Oh, yes.

MR. DAY: All right.

Q. Now, you can keep it, if you want to. Where did you say that was stuck?

A. In the righthand corner of the windshield, up at the top.

Q. The front windshield?

A. Yes.

Q. Then how did you get it out of there?

A. Well, I—while I was sitting, I got something to get ahold of it, started to whittle, the glass pieces fell out and I have it out.

Q. What happened to the windshield?

A. What?

Q. What happened to the windshield?

A. Well, nothing more than it is broke there at the corner.

Q. And the stone stuck in it?

A. Yes.

Q. What else happened, if anything?

A. That is about all. I seen two or three cars behind me as the glass broke out.

Q. Yes, anything else?

A. They got them back off the viaduct and they run two cars back out of the road and then I proceeded across the viaduct.

Q. You proceeded across the viaduct and went to work?

A. Yes, sir.

MR. DAY: I think that is all.

Cross Examination

Q. (By Mr. Lauter) What kind of work do you do at the mill, Mr. North?

A. Millwright leader.

Q. What is that?
A. Millwright leader.
Q. Is that the equivalent to a foreman's job?
A. Yes.
Q. How long have you been a foreman?
A. About two years.
Q. During the two years have you ever hired or fired any men?
A. No, sir.

MR. DAY: I want the same objection, that this is not proper cross examination.

TRIAL EXAMINER LINDSAY: The objection is overruled. Let the record show an exception.

MR. DAY: Exception.

Q. May 25th, did you go out on strike?
A. I did.
Q. But not as a striker, though, did you?
A. No, sir.
Q. You mean you did not go to work?
A. What?
Q. You did not go to work, is that right?
A. I worked 3 to 11, that day.
Q. On the 25th?
A. Yes.
Q. Did you work on the 26th?
A. No, sir.
Q. Did you stay in the mill after May 25th?
A. I did not.
Q. When did you return to work?
A. On July 9th.
Q. How many men are there in your department?
A. About seven.
Q. Did you call any of your men to go back to work?
A. I did not.
Q. Did they call you?
A. They called me and went to work.

Q. How many of the seven men called you about going back to work?

A. Well, there was just one.

Q. What is that?

A. Just one.

Q. What did you say to him?

A. Well, he come out to the house and told me that they were going to start to work in the morning.

Q. What did you say?

A. I said "Ali right, I will be there."

Q. Did you tell him to be there, too?

A. What?

Q. Did you tell him to be there too?

A. That was one of the other leaders that told me.

Q. One of the other foreman?

A. Yes.

Q. Did he tell you who told him to come to tell you about it?

MR. DAY: I object to that question "did he tell you who told him to come to tell you about it". I think that is a little too much hearsay.

MR. LAUTER: Mr. Day may be amused by the form of the question. It is perfectly intelligent, I think. If you have an objection, say so.

MR. DAY: I object to that. What did you say?

MR. LAUTER: I just say, if you have an objection—

MR. DAY: I do object to it.

MR. LAUTER: I didn't hear you say it until just now.

TRIAL EXAMINER LINDSAY: All right, the objection is overruled, let the record show an exception.

MR. DAY: Exception.

(The last question was read.)

A. Shoemaker, I believe.

Q. Who is that?

A. That is our general foreman.

Q. General foreman?

A. Yes, sir.

Q. You understood the question I asked, didn't you? The general foreman told you to come, is that right?

A. He told this leader, and he come out and told me, so—

Q. Did he tell you the name of the general foreman?

A. What?

Q. Did he tell you the name of the general foreman?

A. Shoemaker.

Q. Did you sign any Back-to-Work petitions?

A. I did when we all signed up to go back.

Q. What is that?

A. I did when we all signed up to go back.

Q. Did you sign any Back-to-Work petition?

A. I didn't sign up with that.

Q. What is that?

A. I didn't; we all signed up to go back.

Q. You say that all of you signed up to go back. Who signed that?

A. All the rest of them. You see a lot of names on paper there when you sign it.

Q. Where did you see the paper to sign?

A. Signed it in the Chamber of Commerce room.

Q. Who told you to go there?

A. What?

Q. Who told you to go there?

A. Oh, the other leader told me to sign up to go back to work.

Q. Any of the foremen tell you to go there to the Chamber of Commerce room?

MR. PONTIUS: I object to that; he didn't say "foremen."

MR. LAUTER: He said "leader."

TRIAL EXAMINER LINDSAY: Objection overruled and an exception may be noted.

MR. LAUTER: Will you read that last question?

(The last question was read.)

A. That is why I was signed up.

Q. Did a leader or a foreman tell you to go to the Chamber of Commerce room?

A. Yes; if I wanted to go back to work.

Q. What is that?

A. If I wanted to sign up to go back to work.

Q. What leader or foreman asked you to go to the Chamber of Commerce room to sign the Back-to-Work petition?

A. Shoemaker.

Q. Shoemaker?

A. Yes. He called up on the phone.

Q. He called up on the phone?

A. Yes.

Q. Do you remember what day that was?

A. No, I don't believe I do.

Q. Was that before you went back?

A. Yes, sir. It was before I went back.

Q. Do you remember how many days before you went back?

A. About six or seven days, I guess.

Q. Now, on July 7th you went back to work, is that correct?

A. Yes.

Q. Where did you say you lived?

A. Route 4, Massillon.

Q. How far is that from the viaduct?

A. About three miles.

Q. When did you start out for work at that time?

A. Oh, about 5 or 10 after 10.

Q. How long did it take you to drive down to the viaduct?

A. Oh, I got down there about 10:30.

Q. You were driving south on South Erie Street?

A. Yes.

Q. Was there much traffic there at 10:30?

A. Yes, quite a bit.

Q. But you had gotten to the viaduct, is that correct?

A. Yes.

Q. Now, describe the movements of your car after you got to the viaduct or in the neighborhood of the viaduct. Just tell me what happened.

A. Well, when I got to the viaduct I was stopped.

Q. About what time was that?

A. About 10:30.

Q. How long were you stopped?

A. Oh, about 5 or 10 minutes.

Q. That made it about 10:35?

A. Yes.

Q. What happened then?

A. Well, they shoved the cars out of the road, and then I went to work.

Q. Well, two cars collided there, is that right?

A. Yes.

Q. About what time did that take place?

A. Just as I got to the viaduct.

Q. What is that?

A. That was just as I got to the viaduct.

Q. That was just as you got to the viaduct?

A. Yes.

Q. They collided in front of you or in back of you?

A. In front.

Q. How many cars in front of you?

A. One.

Q. You said some men came out and threw stones, beer bottles, and bolts; is that correct?

A. Yes, sir.

Q. Where was your car with respect to the viaduct

that the beer bottle went through? Where was your car?

A. Right at the mouth of the viaduct.

Q. Where did the men come from?

A. What?

Q. Where did the men come from?

A. They came from all directions; came from all directions.

Q. Came from all directions?

A. Yes.

Q. You are sure it was a beer bottle that went through your car?

A. Absolutely.

Q. You saw the beer bottle?

A. Yes, sir, it hit the car on the east side of me.

Q. You say there were two or three cars in back of you with glass broken?

A. Yes, sir.

Q. Did you see anything thrown at those cars?

A. Stones and a beer bottle as well.

Q. Did you see the actual stones that broke the glass?

A. Yes, sir; they came off the sidewalk.

Q. And you saw those stones as they came through the air and broke the glass?

A. Yes, sir.

Q. Of the cars in back of you?

A. Yes, sir.

Q. How many cars in back of you?

A. Three behind me.

Q. You say three, don't you?

A. Yes, sir.

Q. Now, you were on the viaduct, is that correct?

A. I was just on the mouth of the viaduct.

Q. Now, you pointed—point out to me where the mouth of the viaduct is on this map (indicating)?

A. It is right here (indicating).

Q. That is the mouth here (indicating)?

A. That is the mouth.

Q. Where it is at right angles on this map?

A. It is on both corners here (indicating).

Q. Where were you standing with your car?

A. I was right here on the mouth of the viaduct (indicating). I just started to turn in a little bit.

Q. A little on the viaduct?

A. Yes.

Q. Where were the men coming? Did you see any men coming out of the buildings or were they standing on the sidewalk?

A. When I got up there they was on the sidewalk.

Q. And they had bricks and beer bottles and bolts? Were they throwing them?

A. Not them; they went on the viaduct.

Q. Who threw the bricks and beer bottles, do you know?

A. Well, when I came—it was on the sidewalk.

Q. The sidewalk on Erie Street or on the viaduct?

A. The sidewalk on Erie Street.

Q. Can you identify any of those men?

A. I could not.

Q. You don't know whether they were C. I. O. men or not, do you?

A. No.

Q. Where were the three cars that were jammed? Were they on Erie Street?

A. They were on the mouth of the viaduct. I was turned—I had a good view.

Q. Were they on Erie Street or on the viaduct?

A. They were on the Erie Street.

Q. You can't identify any of those men?

A. No, sir.

MR. LAUTER: That is all.

MR. PONTIUS: That is all.

(Witness excused.)

TRIAL EXAMINER LINDSAY: May I see that stone?

THE WITNESS: What is that?

TRIAL EXAMINER LINDSAY: May I see that stone?

(The witness hands a stone to the Trial Examiner.)

EDWARD HARTLEY

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Day) Will you state your name, please?
A. Edward Hartley.
Q. Where do you live, Mr. Hartley?
A. 1013 South Erie Street, Massillon.
Q. Are you married?
A. Yes, sir.
Q. Where do you work?
A. Republic Steel.
Q. How long have you worked there?
A. Four years.
Q. What is your work there?
A. Inspector.
Q. Of what department? In what department?
A. Cold roll strip department.
Q. Did you work up to the time of the strike?
A. I did.
Q. Did you work when the strike was called by the C. I. O.?
A. I was to go out the next morning.
Q. What?
A. I was to go out the next morning. I reported to work but I didn't get anything.

Q. You went out the next morning but didn't get any?
A. No.
Q. When did you start back to work again?
A. July 4th.
Q. What?
A. July 4th.
Q. July 4th?
A. Yes.
Q. Now, where were you on the night of July 11th; Sunday night?
A. On my way to work.
Q. What time did you start to work?
A. I started from my home.
Q. And you lived on South Erie?
A. Yes.
Q. How far did you live from the corner of the viaduct?
A. About four blocks north.
Q. About what time did you start to work?
A. 25 minutes after 10.
Q. 25 minutes after 10?
A. Yes.
Q. Anybody with you?
A. No, sir.
Q. Driving your car?
A. Yes, sir.
Q. Now, just tell us what happened when you got down to the corner of the viaduct to South Erie.
A. I got down to the corner of Erie and the viaduct, and I was parked in front of the doorway of the first business building north of Oberlin Road and the viaduct. And I saw two machines coming north on Erie, coming along in the middle of the viaduct. The first car ran into the abutment, and the second car ran into that first car that hit the abutment of the entrance to the viaduct.

Q. How far were you away from the two cars that did what you have just told us?

A. There was one machine—when I started to make the turn, and I was the third one right close to that.

Q. What else did you see with reference to those cars, if anything?

A. Well, I saw them when they mashed up in the viaduct. Then there was a crowd of men come from somewhere; I would not say where. And I heard somebody holler: "Let us get them." Somebody threw a bottle of beer and knocked the right-hand window out of my car, and I heard a police officer or somebody, and I looked around and I saw a third machine coming north of Erie. When he got to the side of me he made a direct left-hand turn in the rear of the machine behind me. Outside of that, that is all I saw.

Q. You say you saw a bottle of beer and you say it was thrown through your car window?

A. Not through it but it mashed it. I had shatterproof glass.

Q. Which window was that? What door?

A. The right-hand door on the west side of the car.

Q. Did you have a Tudor or a four-door car?

A. I had a coupe.

Q. What?

A. I had a coupe.

Q. Tudor?

A. Tudor.

Q. What else did you see, if anything?

A. That is all I saw.

Q. Then what did you do?

A. I sat there until they got the viaduct cleared, and went over to work.

MR. DAY: I think that is all.

Cross Examination

Q. (By Mr. Lauter) Now,—

MR. LAUTER: I move that the testimony of this witness be stricken from the record on the ground that it has failed to connect with the issues involved in this case or the parties involved in this case.

TRIAL EXAMINER LINDSAY: I will grant the motion.

MR. DAY: Let the record show that we enter an objection on the ground that the two cars that came into collision have been already identified by other witnesses as being those cars.

TRIAL EXAMINER LINDSAY: Just a minute. That is not a true statement.

MR. DAY: I think that one witness testified here that these men were taken down to the Police Station and further they said they were C. I. O. men.

TRIAL EXAMINER LINDSAY: I don't think so. The record shows that they had C. I. O. stickers on the car.

MR. DAY: The record will also show that those men were taken down to Police Headquarters—

TRIAL EXAMINER LINDSAY: I will sustain the objection.

MR. DAY: I am stating the reasons for my exception.

MR. LAUTER: In addition to that, it is clear that this witness is testifying about the same two cars that have been already identified.

MR. DAY: Exception to the sustaining of the motion to strike.

(Discussion had.)

MR. DAY: I think the record really shows that nobody is here—

TRIAL EXAMINER LINDSAY: We won't ar-

gue further. The last statement that Mr. Day made was stricken from the record. If Mr. Day wants it written up, he may have it.

MR. DAY: I am asking the Stenographer to type up for us, the Respondent, the part that was just stricken from the record so that we may have it in our copy.

TRIAL EXAMINER LINDSAY: It may be done.

MR. DAY: Let the record show that I am pointing out to the Trial Examiner the testimony of the witness, George Mantsch, on Pages 2981 to 2982 that identifies the driver of one of those cars as being a C. I. O. man. He said he chased a man and took him—

TRIAL EXAMINER LINDSAY: Let the record show that if it shows it once, that is enough—

MR. DAY: Let the record show that I am calling the Examiner's attention to the testimony of the witness, George Mantsch, on Pages 2981 to 2982, and the following pages that there he has identified one of the cars in the collision at the viaduct, at the intersection on the night of July 11th as being a C. I. O. car. That being true, I think that the last witness can testify to the collision that he saw there.

TRIAL EXAMINER LINDSAY: No, he didn't testify as to the collision he saw there.

MR. DAY: I thought it was stricken from the record.

TRIAL EXAMINER LINDSAY: I had it stricken from the record but it is in the record on your copy, and you are having a copy made. Now my motion and my ruling on this still stands just as it is.

MR. DAY: I understand the only thing that is stricken from the record is my statement that there weren't two sets of cars that came into collision that night. Anything else is in the record?

TRIAL EXAMINER LINDSAY: Yes.

(Witness excused.)

CLARENCE L. ERTLE

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Day) State your name, please.
A. Clarence L. Ertle.
Q. Where do you live?
A. 821 11th Street, N. E., Massillon, Ohio.
Q. What is your business?
A. Well, I work for the Republic Steel Corporation.
Q. In what capacity?
A. As a recorder.
Q. What?
A. Recording.
Q. In what department?
A. In the Indoors Division of the Stainless Steel.
Q. What does a recorder do?
A. Well, he takes a record of all the steel that is annealed and pickled in the cold strip department.
Q. How long have you worked for the Republic?
A. Oh, approximately four years.
Q. Four years?
A. Three and a half, four years.
Q. Were you working there at the time the strike was called by the C. I. O.?
A. Yes, sir.
Q. Did you stop working there when the strike was called?
A. Yes, sir.
Q. And when did you go back to work again?
A. The first day that the department opened.
Q. About when was that?
A. I think it was—I will say it was on July 2nd.
Q. Do you remember the night of July 11th; a Sunday night?

A. I do.

Q. Where were you about 11 o'clock that night?

A. About 11 o'clock?

Q. Yes.

A. Well, at 11 o'clock that night I was crossing the viaduct at 11 o'clock.

Q. Well, earlier than that. At 10:30 where were you? At 10 o'clock?

A. Well, at 10 o'clock I was at home. About five minutes after 10 a man came over to the house that picked me up every day that we went to work. He stopped and took me and my son and three other men.

Q. What was the name of the man that took you?

A. Wenzell.

Q. Was he driving this car?

A. Yes, sir.

Q. And you and your son and three other men?

A. Yes, sir.

Q. And where did you drive this car?

A. Well, we drove south along 11th Street to the Lincoln Highway. On the Lincoln Highway we drove over to South Erie Street. On South Erie Street we drove to the intersection of the viaduct—we didn't get to the intersection because before we got there, there was three or four cars ahead of us, and we had to stop our car.

Q. After you stopped, what if anything did you see?

MR. LAUTER: At this time I want to enter my formal objection to any further testimony being taken with what took place on the viaduct on account that it is cumulative, if it please, Mr. Examiner.

MR. DAY: There may have been a few people at the scene of the accident. The evidence at this time shows that one of the cars had a C. I. O. sticker on the back of it.

MR. LAUTER: If as Mr. Day says, and has said before, the record shows that the driver of this car

was associated, and said he was a C. I. O. man, it doesn't—it is not as he said that it was a C. I. O. car, and there is no evidence to that extent. It seems to me we have had enough evidence on that car.

TRIAL EXAMINER LINDSAY: Overrule the motion. Exception may be noted.

MR. LAUTER: Exception.

MR. DAY: Will you read that last question?

(The last question was read.)

Q. What, if anything, did you see?

A. Well, we stopped there and we had no more than stopped, and we wasn't—we were about three or four car lengths back of the stripe, which stops you when the traffic light is in the street—there is a mark in the street where you have to stop when the traffic light works, but there had been no traffic light working there—well, recently, anyway, just at that time, so we were about practically four or five cars—four cars I will say back of that stripe where the cars have to stop before they turn around the corner and we stopped there and waited and all at once a car came down from the south, South Erie Street, and crashed into the car directly in front of us and bumped that car back into us, and just at that time two men got out of that car and one fell on the pavement and the other one run past me and just at that time I seen a crowd of men come out of that door of that cafe, because were just at a least angle and I could see very clearly that there were men coming out of that door, and there was a big blonde fellow with another man come and said, "Now, let's give it to them," and he came out and put his foot on our running board and got hold of the car handle and tried to open the door, and I held it shut. And there was quite—everyone was pretty much excited, and the fellow that was driving the car, Mr. Wenzell throwed his car in reverse and backed his car, and he backed out and turned his car at a sharp angle to the left, backed up through that traffic and he was going to go

around the corner of the viaduct, and we seen that that was blocked, so he went ahead, straight out South Erie Street until he hit Chester Street, then he went east on Chester Street until we got to a street that really has no name, we went through a field and come back on old Third Street, down to the police station.

Q. What happened when you went to the police station?

A. Well—

Q. Whom did you see there?

A. We saw Officer Johnson in the police station and Sergeant Betz and two other rookie policemen.

Q. What happened there?

A. Well, when us five men walked in there, they were searching two men, they were asking them questions, they were booking two fellows and they just about were ready to put one in the jail, they had a door there, two officers pushed him into the jail after they told him what they were— asking him where they were from. One said he was from Canton. I heard some of the questions, and Betz said to me, "What do you boys want?"

I said, "Do you know that there is an awful riot for some awful disturbance down at the viaduct? You had better get in touch with the soldiers or somebody, better get down there because there is an awful disturbance going on."

He said, "I ain't got anything to do with that, down there. Captain Curley is in charge."

"Well," I said, "there will be a lot of blood-shed I am afraid, if somebody don't get down there, because there are shots being fired." I heard a couple of shots being fired as we pulled out of there.

Q. Then what did you do?

A. Then Officer Johnson and two men, after they put those men in the jail, why they—I seen Officer Johnson, I believe, it looked to me—I am not familiar with the gun

that you shoot tear gas, but it was a gun about that long, had a big barrel; he got a gun that was laying there on the window sill and close to the desk sergeant and then I seen him open a door, I don't know whether he took a tear gas—I don't know what tear gas looked like, in cartridges, but they were red and about that long; I seen him take a couple out of there, stuck them in his pocket and he says, "Let's get going."

Q. Then what did you do?

A. Then one of the men that was with me said, "Now, we want to get to the shop, we will follow those down. We will follow those fellows down and go in."

So Mr. Wenzel drove his car down, and when we got down to the viaduct, why that had been already cleared up, so he drove across the viaduct, and then about the time we got off of the viaduct or—we was off of the viaduct on Oberlin Road, over the bridge, my son in the back seat said to him, "Driver, you had better stop the car, there is a machine gun firing."

And then we heard it. And he says, "Yes, they are," he says, "they are shooting." And he said, "I can't back up," he said, "there is a car coming behind me."

And just about that time I heard a bullet whiz across the highway there; it seemed to be pretty close to us, and as we continued on I heard four or five shots and I said, "Tramp on it, looks like he can't back up, and we have got to get in."

So we drove into the entrance of Republic Steel Corporation. When we got to the police booth, there, all of the cars was lined up, there was a lot of automobiles there, and an awful lot of automobiles, the entire turn could not get out of the plant, because they were held back by the police, and they had to straighten out some of those cars in the road so that we could drive into the plant because they were blocked on all ways.

Q. Could you tell, at all, in what direction these bullets were coming from that whizzed, there?

A. Yes, they were coming from the north.

MR. DAY: I think that is all.

Cross Examination

Q. (By Mr. Lauter) These bullets were coming from the north?

A. I would say they were coming from the north, yes, sir.

Q. Where was your car at the time that these bullets, you say, were coming from the north?

A. We were driving on Oberlin Road. We were west of the viaduct, from No. 2—from No. 1 to No. 2 gate. We have to go on Oberlin Road after you get off of the viaduct. Between No. 1 and No. 2 gate is where I very distinctly heard the whiz of bullets.

Q. Past the car?

A. I don't know how close they came, but I heard them very distinctly.

Q. You heard them whiz by?

A. Yes, sir.

Q. How many bullets did you hear whiz by?

A. Four or five.

Q. Four or five?

A. Yes, sir.

Q. What position do you have in the plant?

A. I do recording. Recording of the steel that is pickled and annealed in the stainless steel, on my turn.

Q. And when the strike came, the strike took place on May 25th, did you go to work the next day?

A. No, sir.

Q. When did you go back to the plant?

A. The first day that my department opened.

Q. What day was that?

A. I think it was the 2nd day of July.

Q. Did anyone suggest to you that you go back to work?

A. Oh, I used to go downtown every day and talk it over with the boys, they all seemed to want to go back to work; all of the men that worked with me.

Q. Answer my question, did anyone suggest to you that you should go back to work?

MR. DAY: Just to save the record, I object to that as improper cross examination.

A. No, sir, no one suggested that I go back to work.

TRIAL EXAMINER LINDSAY: Objection overruled, let the record show an exception.

MR. DAY: Exception.

Q. How did you happen to go back to work on July 2nd?

A. Because I wanted to go back to work as soon as they opened the plant. I got in touch with any foreman I seen.

Q. Did you see your foreman?

A. No, I didn't, not until around the night I went back to work.

Q. When was the first time you saw your foreman after May 25th?

A. Well, I have four or five foremen. I seen one of them downtown at the bank. I can't say what date that was at all. I was downtown.

Q. Before you went back?

A. Yes, I saw him—I saw the other ones, but I only talked to one of them.

Q. What was the conversation you had with the one you saw?

A. I asked him when he thought they were going to go back to work and he said, "I don't know whether the plant will ever open." That is all he said to me.

Q. Is that the only conversation you had with him?

A. That is the only conversation.

Q. When was that conversation?

A. I couldn't tell you what date. That was between the time that the strike was called and before the time

that the plant started to work.

Q. Have you ever signed a Back-to-Work petition?

A. I did.

Q. Where did you sign it?

A. Chamber of Commerce office.

Q. Did anyone tell you to go there?

A. No, sir.

Q. How did you happen to know they were signing there?

A. I was downtown one morning and as I am usually there, and there was a lot of the fellows that I worked with said, "They are going to sign up to go back to work in the bank building." And I said, "What bank building," and they said, "The old bank, there," but that is not in use, I don't even know the name of the bank any more, and finally the people congregated, those men congregated around there, and there was an awful crowd congregated, finally I seen them go up in the chambers—or up in the First National Bank Building, I asked a fellow by the name of Martin, "Where are those fellows going?" And he said, "They are all going up to sign up to go back to work," so I followed the crowd up, we all signed to go back to work.

Q. On July 2nd you had conversation with some of the boys of the plant?

A. Repeat that again.

Q. You mentioned a conversation you had with some employees, before you went back to work?

A. I talked to them every day, fellows that I worked with, that I met down on the street.

Q. But you only had one conversation with one foreman, is that correct?

A. That is all.

Q. No one suggested to you that you sign the Back-to-Work petition?

A. No, sir.

Q. And no foreman ever called you up at home?

A. No, sir.

Q. To tell you when to come to work?

A. The foreman came to my house, said, "The soldiers are going to be over there tomorrow morning, and the plant is going to be open to anybody that wants to go back to work."

Q. When was that?

A. That was the night before we went back to work, that morning—the night before we went back to work.

Q. Who was that, went over there?

A. Who went?

Q. Who came to your house?

A. Why, this turn foreman.

Q. What is his name?

A. Mr. Kelleher.

Q. He told you to come to work the next day?

A. He didn't tell me to come. He says, "They are going to open your department." He didn't tell me that I had to come. He said I could come if I wanted to. He intimated that. He didn't say it directly that I had to come back to work. He rapped on the door and said, "The militia is going to be over there tomorrow, and there is going to be work for those men that want to go back to work."

Q. Did he tell you who sent him?

A. Sir?

Q. Did he tell you who sent him?

A. No, sir.

Q. Are you sure he didn't mention it?

A. No, sir, he did not mention any names.

Q. Do you know who sent him?

A. I do not.

MR. LAUTER: I move to strike out the testimony of this witness with respect to the incident on the viaduct on the ground that they have failed to connect it up any way with any of the parties to this action.

TRIAL EXAMINER LINDSAY: Oh, I will let it stand. Let the record show an exception.

MR. LAUTER: Exception.
MR. DAY: That is all, Mr. Ertle.
(Witness excused.)

MARVIN LARSON

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Day) State your name.
A. Marvin Larson.
Q. Where do you live?
A. 916 Wales Road, Massillon.
Q. Married?
A. No.
Q. What is your business?
A. Shipping clerk at Republic Steel.
Q. How long have you been with Republic?
A. Three years.
Q. Did you go out when the strike was called?
A. I could not get—
Q. Well, did you stop working when the strike was called?
A. Yes.
Q. And then when did you start working again?
A. On the evening of July 2nd.
Q. Were you at work on the evening of Sunday, July 11?
A. I was.
Q. And what time did you leave the mill that night?
A. Shortly after 11 o'clock.
Q. On what streets did you drive, when you left the mill?
A. Crossed the viaduct to go north on Erie Street.
Q. When you were driving north on Erie Street what, if anything, happened?

A. About five blocks from the end of the viaduct, the car was stoned.

Q. Your what? Car was stoned?

A. Yes.

Q. Five blocks from the end? North or south of the viaduct?

A. North.

Q. Just tell us about that. What happened?

A. As we were driving along the street, there was a car parked about five feet from the curb, and we were forced to go in single file to get past that car. Just before we approached the car there was a group of men close to the curb that threw rocks at us.

Q. How many were in your car?

A. Five.

Q. Were they all men that had been working at the Republic that night?

A. Yes.

Q. Going home from work?

A. Yes.

Q. Did any of the rocks strike your car?

A. Yes.

Q. How many rocks struck your car?

A. Approximately five.

Q. And whereabouts did they strike it?

A. The windshield and the right side of the car.

Q. Any glass broken?

A. Yes.

Q. What glass?

A. Two glasses in the windshield and side glass.

Q. About how many men were in the crowd that was throwing stones?

A. Six or eight.

Q. Did you recognize any of them?

A. I did.

Q. Who?

A. Tony Demando.

Q. Tony Demando?
A. Yes, sir.
Q. Had you worked with him before?
A. He had worked in the department where I worked.
Q. Do you know whether or not he was a CIO?
A. No, I don't.
Q. But you recognized him as one of the men in the crowd?
A. Yes.

MR. DAY: I think that is all.

MR. LAUTER: I move that the testimony of this witness be stricken, on the ground that the respondent has failed to connect it with any of the parties to this case.

TRIAL EXAMINER LINDSAY: Oh, I will let it stand for what it is worth. Let the record show an exception.

MR. LAUTER: Exception.

Cross Examination

Q. (By Mr. Lauter): Did you recognize any of the other persons who threw stones?
A. No.
Q. How far did you say it was from the viaduct?
A. Approximately five blocks.
Q. What time of the night was this?
A. Shortly after 11 o'clock.
Q. Did you have any difficulty driving out of the mill and across the viaduct?
A. No .
Q. Was that pathway absolutely cleared, so you could go ahead with the car?
A. There was a lane open.
Q. There was a lane open?
A. Yes.

Q. You went across the viaduct at 11 o'clock?

A. Yes.

Q. And you went north on South Erie Street for five blocks?

A. That is right.

Q. You were not interfered with in any manner until you were five blocks north of the viaduct, is that right?

A. There was people on the street, but we got through.

Q. Well, that did not interfere with you, did they, the fact that they were on the street?

A. They slowed us up.

Q. Slowed up traffic?

A. Yes.

Q. But you were not interfered with in any other way, is that correct?

A. Yes, sir.

Q. You are a shipping clerk, is that right?

A. That is right.

Q. When you came out of the mill, what time did you say it was? About 11 o'clock?

A. A little after 11.

Q. A little after 11?

A. Yes.

Q. Did you hear any shooting?

A. No.

Q. What entrance to the mill did you come out of?

A. No. 1 gate.

Q. Is that on Oberlin Road?

A. Yes.

Q. Is that near Cleveland Avenue?

A. It is east of Cleveland Avenue.

Q. East of Cleveland Avenue?

A. Yes.

Q. About how far east?

A. It is at the end of the viaduct, west end of the viaduct.

Q. About how far is that from Cleveland Avenue, would you say, in terms of the number of feet?

A. About 600.

Q. And you didn't see or hear any shooting?

A. No, the windows were closed in the car and there was noise from the mill.

Q. Did you notice anything unusual at all, at that time?

A. At the east end of the viaduct, there was a crowd of people.

Q. And at the west end of the viaduct, did you notice anything unusual?

A. Only that there was no traffic coming from the west.

Q. From the west or from the east?

A. Wasn't any coming either way.

Q. Were you the only car going out of the mill?

A. No.

Q. Weren't there other cars going out the same direction you were?

A. Yes.

Q. Well, then there was traffic, is that correct?

A. There was no traffic coming from the west when we came out.

Q. What is that?

A. There was no traffic coming from the west when we came out of the mill.

Q. There were cars in back of you, weren't there?

A. Yes, but not at the entrance of the viaduct. When we came to the entrance of the viaduct, there was no cars coming from the west and no cars from the east either.

Q. You say you saw a man named Tony Demando throw a rock?

A. Yes.

Q. Where was she standing with respect to the car?

A. Ahead and to the right.

Q. Did you see that rock as it travelled in its course?

A. Yes.
Q. You are sure you did?
A. Yes.
Q. How many other men were there there?
A. Six or eight.
Q. How many men threw rocks?
A. At least six of them.
Q. At least six of them?
A. Yes.
Q. That is, there were six rocks coming at your car, is that right?
A. Five struck the car, and they all swung their arms, whether they threw rocks or not.
Q. Five struck the car?
A. Yes, sir.
Q. And at least six threw rocks, is that right?
A. At least five.
Q. At least five?
A. Yes, sir.
Q. Did I understand you to say before that at least six struck the car?
A. No.
Q. You didn't say that?
A. No.
Q. You are sure of it?
A. Yes.
Q. You are sure that at least five struck the car?
A. Yes.
Q. At least five threw rocks?
A. Yes.
Q. At least five rocks struck the car?
A. Yes.
Q. Now, was that the total number of rocks that were thrown at your car? Five?
A. I don't know.
Q. What is that?
A. I don't know. There might have been four thrown.

Q. But you didn't see them?
A. No.
Q. Now, you saw Tony Demando throw a rock, is that right?
A. Yes.
Q. Did he throw a rock at the same time that the others did?
A. Approximately.
Q. What is that?
A. Very near, within a few seconds.
Q. Could you distinguish his rock from the other rocks?
A. Yes.
Q. Did you see where his rock hit?
A. Yes.
Q. Where did his rock hit?
A. The windshield.
Q. That was the rock that broke the windshield?
A. A rather large rock.
Q. What is that?
A. I say a rather large rock, it was easy to see.
Q. What time of the night was this?
A. About a few minutes after 11:00, five or ten minutes.
Q. Was it dark that night?
A. Yes.
Q. How far from the car was Demando when he threw the rock?
A. About 15 feet.
Q. Was he on the sidewalk or in the street?
A. On the curb.
Q. How fast was your automobile going, do you know?
A. About 20 miles an hour.
Q. Were there any cars parked alongside of the curb?
A. Yes.
Q. And Demando was in back of those cars?

A. One car parked at the curb—in the street.

Q. What is that?

A. There was one car parked in the street about five feet from the curb, and he was in back of that car.

Q. He was in back of that car?

A. Yes.

Q. Was he in that position when he threw the rock?

A. Yes, sir.

Q. You don't know whether or not he is a member of the CIO?

A. No.

MR. LAUTER: That's all.

MR. DAY: That's all.

MR. LAUTER: I want to renew my motion at this time, if you please, Mr. Examiner, to strike the testimony of the witness Larson?

TRIAL EXAMINER LINDSAY: Well, I will overrule that motion. Let the record show an exception.

MR. LAUTER: Exception.

(Witness excused.)

CLARENCE MULLETT

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Day) What is your name?

A. Clarence Mullett.

Q. Where do you live?

A. 315, 15th Street S. W. Massillon.

Q. What is your business?

A. Clerk.

Q. For Republic?

A. Yes, sir.

Q. How long have you worked for Republic?

A. 10 years.

Q. July 11th, Sunday night, about 11 o'clock, were you on South Erie Street?

A. I was coming home from work.

Q. Coming home from work on South Erie?

A. Yes, sir.

Q. And were you in an automobile?

A. I was driving a car.

Q. You were driving it? Who else were with you?

A. Five other fellows?

Q. What?

A. Five other fellows.

Q. And had the five other fellows worked in the mill that night also?

A. Yes, sir.

Q. Now, what happened while you were driving home on South Erie Street in your car with the five other fellows?

A. Just as I got down to Arch Street I saw three or four fellows throwing bricks, three or four of them hit the car.

Q. Four of them hit your car?

A. Yes, sir.

Q. Did you recognize any of the men?

A. No, I didn't. I was driving, I was just watching traffic.

Q. And were other cars, if you know, containing men that had worked at the mill that night, on their way home at the same time you were driving up there?

A. I was right in the middle of traffic.

Q. What?

A. I was right in the middle of traffic.

Q. Of traffic.

MR. DAY: That is all.

MR. LAUTER: I move to strike out the testi-

mony of this witness on the ground the Respondent failed to connect it with any of the parties in this case.

TRIAL EXAMINER LINDSAY: I will overrule the motion and let the record show an exception.

MR. LAUTER: Exception.

Cross Examination

Q. (By Mr. Lauter) What kind of work did you do i the mill?

A. Clerk.

Q. How long were you a clerk?

A. About five years.

Q. The strike was called on May 25th, wasn't it?

A. Yes, sir.

Q. Where were you working then?

A. Nowhere; I was going to work that night.

Q. When did you next return to work?

A. July 2nd.

Q. Your foreman got in touch with you?

A. No.

Q. Who suggested, if anyone, that you return to work?

MR. DAY: I object on the grounds that it is not proper cross-examination.

TRIAL EXAMINER LINDSAY: Overruled. Let the record show an exception.

MR. DAY: Exception.

Q. Who, if anyone, suggested to you that you return to work on July 2nd?

A. Just my cousin called.

Q. Who is your cousin?

A. He said they were starting to work.

Q. Who is your cousin?

A. Curtiss McCullan.

Q. Does he work in the mill?

A. Yes.
Q. What is his position?
A. He is a sheet metallurgist.
Q. What is that?
A. He is a sheet metallurgist.
Q. You signed a Back-to-Work petition?
A. Yes.
Q. When did you sign it?
A. In the Ohio Merchants Building.
Q. What is that?
A. In the Ohio Merchants Building.
Q. Prior to your signing a Back-to-Work petition, did you have any conversation with any of the employees of the Republic Steel Corporation?
A. No, sir.
Q. How did you know that they were signing petitions in the Chamber of Commerce?
A. My wife told me.
Q. She didn't indicate to you how she knew?
A. Why, she said she just heard it; I don't know where she heard it.
Q. You are unable to recognize or identify any of the persons who threw bricks at the car?
A. No.

MR. LAUTER: I want to renew my motion to strike the testimony of this witness.

TRIAL EXAMINER LINDSAY: The motion is overruled. Exception may be noted.

MR. LAUTER: Note an exception. That is all.

MR. DAY: That is all.

(Witness excused.)

WILBERT COLEMAN

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Pontius) You are Mr. Wilbert Coleman?
A. Yes, sir.
Q. Where do you live?
A. 56 Third Street, S. W., Massillon.
Q. How long have you lived in Massillon?
A. About 11 years.
Q. What is your work?
A. With the Republic.
Q. How long have you worked for the Republic?
A. About 10 years.
Q. What kind of work did you do?
A. Sheet pickler department.
Q. Now, where did you live on July 11th, 1937?
A. I lived on Cleveland Avenue; 1213 Cleveland Avenue.
Q. What?
A. 1213 Cleveland Avenue.
Q. Did you live upstairs or downstairs?
A. Upstairs.
Q. What was downstairs in the building in which you lived?
A. The C. I. O. headquarters.
Q. You are a married man?
A. I am.
Q. Now, where were you on the afternoon on that Sunday?
A. Playing ball in Newcomerstown.
Q. Did you get home from Newcomerstown?
A. I did.
Q. About what time?
A. Between a quarter after 7 and 20 after.
Q. When you got home was it daylight or dark?
A. Daylight.
Q. What if anything did you observe about the C. I. O. hall there after you got home?

A. The only thing I observed was that some unusual —after I went up in my apartment to change clothes I happened to glance out of the north window of my room and saw some men gathering up stones and carrying them toward the front of the building.

MR. LAUTER: I move that the witness' statement about it being unusual be stricken from the record.

TRIAL EXAMINER LINDSAY: Yes. That part may be stricken from the word "unusual."

MR. PONTIUS: About carrying stones; is that stricken?

TRIAL EXAMINER LINDSAY: No; just that one word.

MR. PONTIUS: All right.

Q. Now, how many rooms are there in the upstairs of that building in which you lived at that time?

A. Nine.

Q. Who lived there with you?

A. Myself and my mother-in-law—she was staying with me—and my brother-in-law.

Q. Were all nine rooms occupied by you and your family?

A. They were.

Q. Where did you observe these men getting stones?

A. On the north side of the building—

Q. Yes.

A. —and the southside of the building next to me—there is a vacant house—a lean-to house.

Q. What building is in the north of the C. I. O. headquarters there?

A. It is an empty house.

Q. What is that house made from: Brick or stone or wood?

A. Just frame wood.

Q. Frame wood?

A. Yes.

Q. Now, after it became dark what if anything further did you observe or notice?

A. Nothing only the continued of that stumbling around between the two houses—that someone had a flashlight. They seemed to be picking up stones.

MR. LAUTER: I object to "seemed to be" and ask that it be stricken from the record.

TRIAL EXAMINER LINDSAY: Yes. It may be stricken.

Q. What did you see them do; not seemed to do? What did they do?

A. Well, all I saw them do was they had flashlights. Someone had a stick and was picking in the ground; and then some of them was walking towards the back of the building.

Q. About how long did that continue?

A. Well, from the time I observed it up until I suppose around 10:30.

MR. LAUTER: I move the remarks of the witness with respect to what he supposed be stricken.

TRIAL EXAMINER LINDSAY: Yes. It is stricken.

Q. Mr. Coleman, were you there then until after the trouble occurred there?

A. I was.

Q. When you first got there, who was in your home, if anybody?

A. Anybody?

Q. Yes. Who came there later, if anybody?

A. My wife, brother-in-law, and a boy by the name of Kenneth Adams came with my brother-in-law.

Q. What is your brother-in-law's name?

A. Robert DeVaughn.

Q. How long did those people who came remain there that night?

A. Until the first skirmish was over and we had time to get out.

Q. What was the way in which you got in and out of the building?

A. I had a front entrance and a back entrance.

Q. How did you get out of the building that night?

A. At the back entrance.

Q. Now, I wish you would tell us what you observed with respect to this trouble that occurred down there that night. About what time you observed any trouble?

A. Why, I was supposed to go to work at 11 o'clock. After I saw these men gathering those stones and carrying them towards the front—well, after my wife came, I told her about it and told her that I would stay around the home and not go back to work—if I was late getting around to work—just to find out if there was any trouble. So I stayed; and around 11 o'clock why there was an awful commotion, and some yelling. We went to the back of the room after we heard this yelling, and my wife said there would be some shooting. So I said: "No, I don't hardly think so." So we went to the kitchen in the back of the building. We didn't hardly get into the room before some shots were fired, and about a minute or two after that one or two tear gas bullets came into the two front windows in front of the building. You could tell what they was because you could hear the sizz after they burst. Of course the firing continued for probably five or eight minutes; probably a little longer, until we got out of there. I don't remember whether about three or four shots that were fired upstairs in the front alley.

Q. What were those shots?

A. Well—

Q. If you know?

A. I am not positive; they must have been these tear things because that began to smell pretty bad in the house; you could hear the shots whenever they hit the wall; whenever they burst.

Q. Had you been living in this house prior to this

time? That is, prior to the time that it was occupied by the C. I. O.?

A. I was.

Q. At the time the downstairs was empty?

A. It was.

Q. Now, when you went out where did you go?

A. To the Republic Steel hospital; a police officer escorted us to the Republic Steel hospital, and we remained there—

Q. Who went down to the Republic Steel hospital?

A. My wife, my brother-in-law, James Adams—

Q. Were all of you home?

A. My wife and brother-in-law and Jim Adams—on account of the gas worked on their eyes; and they treated them there at the hospital. It didn't take any effect on me.

Q. Now, have you told us all you heard or saw that night about this thing?

A. That is all. Only after the first skirmish I turned the light on and raised the window, and hollered out at the police officers that were stationed south of the building there. They were in the street. I hollered at them and told them to let up until we got my wife out of there; I supposed—

Q. You can't say that.

A. Some of them knew that I lived up there, and they said: "All right, come on;" and I opened the back door and we came out.

Q. Now, going from your home there to the Republic Steel Hospital, which way did you go?

A. South on Cleveland Avenue to Oberlin Road.

Q. With the police officers?

A. Yes.

Q. I will ask you whether or not you observed the roadway of the street in front of the C. I. O. headquarters as you went down there?

A. I didn't look back.

Q. Had you observed that before that day as to people being there or otherwise?

A. There is always a crowd around there especially on Sunday evening.

Q. How many people would you say were there that evening?

A. I couldn't say.

MR. PONTIUS: I believe that is all.

Cross Examination

Q. (By Mr. Lauter) You are a sheet pickler, is that correct?

A. Yes, sir.

Q. You have worked for the Republic for 10 years?

A. Yes, sir.

Q. All during the strike, were you working?

A. No, sir.

Q. When did you stop working?

A. I worked the night before the strike was called. I was supposed to go at 11 o'clock the same night the strike was called and I didn't go there.

Q. When was the next time that you went to work after May 25th?

A. On the 8th of July.

Q. The 8th of July?

A. The 8th of July; one week after they reopened.

Q. Now, did anyone suggest to you that you go back to the plant to go to work?

A. No one whatever.

Q. How did you happen to go back to work on July 8th?

A. Practically all the other men that I knew; that I worked with had went back to work.

Q. Did you sign a Back-to-Work petition?

A. I did.

Q. Where?

MR. DAY: Same objection as not being proper cross-examination.

TRIAL EXAMINER LINDSAY: Objection overruled.

MR. DAY: Exception.

Q. Where did you sign a Back-to-Work petition?

A. In the Ohio Merchants Building; Chamber of Commerce Hall.

Q. When did you sign it?

A. I don't exactly know what day it was; around 5 days before I went back to work.

Q. Did you have any conversation with any Republic Steel Corporation employee before you went back?

A. No more than the men I worked with and came in contact with them each day.

Q. Did you come in contact with your foreman?

A. Never saw him from the time—from the morning I came out of the mill until I went back.

Q. Now, how many rooms are there upstairs over the C. I. O. headquarters?

A. Nine.

Q. Nine?

A. Yes.

Q. You occupied all the nine rooms?

A. I did.

Q. That night—that is the night of July 11th—you saw some people with a flashlight digging?

A. I did.

Q. But you couldn't see what they were digging for?

A. No.

Q. Might have been digging for potatoes?

A. Could have been.

Q. Now, what were the first shots that you heard in the building? Were they from gas?

A. The first shots I couldn't say because it was such

a turmoil all of a sudden that you couldn't tell where the shots came from, or the first thing or anything.

Q. Well, there was tear gas shot in the building?

A. There was.

Q. You mentioned something about three or four shots.

A. I know there was three or four shots come in my part upstairs towards the front of the building.

Q. Well, you have looked at the front of the building after July 11th, haven't you?

A. Oh, sure.

Q. There were more than three or four shots in the front of the building, weren't there?

A. Sure; I am speaking of before I got out.

Q. Did you ever attempt to count the number of shots that were in the front of the building after July 11th?

A. No.

Q. Could you estimate?

A. No.

Q. Do you know how many bullet holes there were?

A. No.

Q. Did you see the glass windows smashed?

A. What windows?

Q. The glass windows in front of the building smashed?

A. Yes.

Q. Were there a great many bullet holes in the building?

A. I don't know; there were some inside.

Q. As a matter of fact, you could look through where the bullets had gone through?

A. No.

Q. Did you try to look through there?

A. They were shot at an angle.

Q. They were shot at an angle?

A. From the way it looked.

Q. Could you look through the angle at which they were shot?

A. No.

Q. Did you try?

A. No.

Q. Now, you say you hollered at a police officer?

A. I just hollered at the police. I don't know the name of him that was stationed there at that time.

Q. Why did you holler at him? Because they were in the front of the building?

A. Yes, they were firing toward the building.

Q. Now, how soon after did you holler for the police?

A. As soon as the first skirmish was over.

Q. How soon was that?

A. Five or six minutes.

Q. During all the time you were there did you see any shooting being done by any C. I. O. man?

A. I couldn't see any.

Q. Did you hear any shots come from the downstairs of the building?

A. I can't say that I did.

Q. Now, you say that some of the police knew you; is that correct?

A. Yes, they knew I lived up there. They know me from seeing me coming in and out from the time they were stationed there.

Q. What policemen knew you?

A. I don't know the names of them.

Q. Are some of them foremen in the mill?

A. I don't know.

Q. Do you know whether any of the special policemen worked in the mill?

A. No, I don't. None of them worked in my department.

Q. They only knew you by the fact that you came in and out of the house?

A. Yes.

Q. Now, you said something about a crowd being up there on Sunday evening. Was that a customary procedure?

A. Yes, on Sundays they gathered around there and chattered around between themselves; more usual on Sunday evening.

Q. Do you know about how many men were gathered there on Sunday evening?

A. No.

Q. 100 or 200?

A. I haven't any idea. I just passed through them; if I passed by, I passed by without saying anything.

Q. Did you hear any music there that night?

A. No, I didn't.

Q. Did you hear any singing or dancing?

A. No, I didn't.

Q. Until the first shots were fired, everything was peaceable there?

A. Yes.

Q. Was there anything unusual about the crowd? Noisy or anything?

A. They were just talking; you could hear them talking.

MR. LAUTER: That is all.

MR. PONTIUS: That is all.

MR. LAUTER: Just one more question, please.

Q. Did you notice any women and children around the building that night?

A. I didn't. When I came in—because I never went out any more when I came in.

Q. When you came in did you notice any women or children there that night?

A. No, I didn't.

Q. When you left, did you see any there?

A. What?

Q. When you left, did you see any there?

A. In the morning or that night?

Q. That night?

A. No, I didn't see any people where I lived.

Q. Did you say that one of the policemen escorted you to the hospital building?

A. Yes.

Q. Do you know who that policeman was?

A. I don't know.

Q. Had you ever seen him before?

A. I think he is one of the regular patrolmen but who he is, I couldn't identify him now.

Q. Had you ever seen him before that night?

A. Well, if he was one of the regular patrolmen I have because he had a uniform on.

Q. As you came out of the house, where was this cop?

A. They were all stationed along the street south of where I lived.

Q. Were they lined up across the street?

A. That is where they were.

Q. Did you holler from one of the upstairs windows?

A. From the rear window upstairs.

Q. Did you notice what kind of arms they had? What kind of ammunition?

A. I didn't.

Q. What is that?

A. I didn't.

MR. LAUTER: That is all.

MR. PONTIUS: That is all.

(Witness excused.)

JAMES KENNETH ADAMS

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Pontius) Will you state your name?

A. James Kenneth Adams.

Q. Where do you live?

A. 1109 Fourth Street, S. W.

Q. How long have you lived in Massillon, Mr. Adams?

A. Nine years.

Q. What is your business?

A. Hod carrier.

Q. Hod carrier? You are not employed by the Republic Steel, are you?

A. No.

Q. Now, do you know, Mr. Coleman, the gentleman who just testified here?

A. Yes, sir.

Q. I will ask you to state whether or not you were in his home at any time on the 11th day of July, 1937?

A. Yes, I went to his house.

Q. About what time did you go to his house?

A. 9:30.

Q. Was anyone with you when you went there?

A. His brother-in-law, Mr. Robert DeVaughn.

Q. And when you got there, who were at the Coleman home?

A. Just Mr. Coleman was there then.

Q. Now, did any other persons come there later that evening?

A. Mrs. Coleman came about 15 minutes—about 10 minutes after we came.

Q. Now who all were there, then, about approximately 11 o'clock that night, who all were then in the Coleman home?

A. I was there, Mr. Coleman—Mr. and Mrs. Coleman and Robert DeVaughn.

Q. Now, what, if anything, did you nctice after you got to the home, there?

A. Well, when I got there why the men was out in front, and one of them had one of these big bass fiddles and he was playing that.

Q. What?

A. There was a man out there playing a bass fiddle, on the outside, when we came through the crowd and came upstairs.

Q. Which way did you go upstairs, through the front or rear?

A. We went around to the back.

Q. Yes, now what else did you notice there in front of the building, when you came there?

A. A large crowd out there.

Q. Did you hear anything said there?

A. No, there was nothing—just talking—I didn't pay much attention to it.

Q. When you got upstairs what, if anything, did you notice?

A. Well, I didn't notice anything then until Mr. Coleman remarked that there were men out there picking up stones and so on. One of the men, his brother-in-law, and I went out on the north side of the house and looked out—laid across the bed and looked out the window, you could see the men going back there with flashlights, picking up stones and bringing them up and piling them alongside of the building near the front.

Q. And how long did you see that going on?

A. Well, I laid across there for about maybe 15 minutes, I seen these men; went back, sat down and read the paper, talked to all the other—

Q. Where did you sit down, what part of the building?

A. I sit down in the dining room, that was in the middle.

Q. Middle of the building, on which side of the building?

A. That was on the south side.

Q. Now what, if anything, did you first notice after that?

A. Well, looking for—watching for the men to start out of the mill.

Q. That is, could you see from that point where you were sitting, down to the mill?

A. Yes, sir.

Q. What gate at the mill, do you know?

A. Middle gate.

Q. The middle gate?

A. Right where the—across from where the offices is.

Q. That is the gate across from the offices? Now what, if anything, did you observe with respect to the men coming out of the mill there?

A. Well, when they started up, somebody in the front hollered "Say you men scatter up there," and all of a sudden there was shots started up and I jumped to the window and looked out and there was two policemen out there. I suppose they were policemen out in front.

Q. I can hardly hear you. Talk up louder.

A. Well, I seen two—looked—when I ran to the window and looked out, there were two policemen laying in the —in the middle of the street about—oh, about 30 yards—30 feet in front of the other policeman, was back where the shooting was going on. Mrs. Coleman hollered, "You can come back here, come back to the kitchen," she says.

Q. That is, was Mrs. Coleman in the same room with you?

A. No, she was back in the kitchen, she hollered to come back in the kitchen, there might be some shooting up through there. I no sooner got back to the kitchen, when one of these tear gas shells come through the front bedroom window there and I started up to see what it did, and when I got up there, well, I was compelled to come back on account of the gas, I went back to the kitchen, stayed back until Mr. Coleman hollered for the cops to bring us out—for the police.

Q. Then what happened?

A. Well, then I went and got my hat and we got down out of there and was taken to the Republic Steel Hospital.

Q. Now, you have said that this room, dining room that you were in, was on the south side of the building?

A. Yes, sir.

Q. Could you tell where the—You said you heard shots fired?

A. Yes.

Q. Could you tell where those shots were fired from?

A. Well, they come from all around, some of them come from towards the front and some came from the back and of course the police was shooting some, I could see the officer was over there with a machine gun shooting with—he was—looked like he was shooting it in the air.

Q. Now, can you tell us more specifically, you said "all around", where the shots came from that you heard?

A. Well, some of them comes from the west, and some of them come from the northeast and some came from where the policemen were, you know, south.

Q. Could you tell where the first shots came from?

A. It sounded like it came from the west.

Q. Now, had you observed these policemen down there, before the shooting took place?

A. Yes, they were out there in the road.

Q. Where were they?

A. Well, they was maybe 100 feet down from the building.

Q. And these two men that were down in the street, where were they with respect to the other men?

A. They were about 30 feet ahead of them.

Q. You say you saw this man shoot a gun. What kind of a gun did you say that was?

A. It was a machine gun.

Q. Machine gun? Where was he located?

A. Well, he was across the street on—on, you know, on the west side, of the policemen.

Q. West side of what?

A. You know where the police line was across the road there?

Q. Yes.

A. He was on the west side of the street, on Cleveland Avenue. He was down, he had the machine gun like this (indicating).

Q. Do you know who that man was?

A. No, I don't know who he was.

Q. Can you describe that gun further than you have described it?

A. No, I can't describe it, only it seemed to be—holding it in his hands, you know, I could just see the bell of it, about that much of the bell, and rapid flashes, you know, that is why I thought it was a machine gun, because it was firing so rapid, so many times in such a short space.

Q. And what angle did he hold that at, as you observed?

A. About a 30 degree angle.

MR. PONTIUS: I believe that's all.

Cross Examination

Q. (By Mr. Lauter) How many shots did you hear come out of that machine gun?

A. I couldn't tell how many.

Q. Five or a thousand?

A. No, they were so fast you couldn't count them.

Q. How long was he shooting that machine gun?

A. Well, I didn't pay no attention to how long he shot it, after I first noticed it.

Q. Five minutes or five hours?

A. No, I didn't notice it. I paid attention to no more than a minute.

Q. How is that?

A. No more than a minute.

Q. Is that all that you noticed?

A. That is all that I noticed that machine gun.

Q. Where was he stationed at the time that he was using the machine gun?

A. He was on the west side of the street, on the sidewalk.

Q. And how far from CIO headquarters?

A. Oh, he was about 75 or 100 feet.

Q. Are you sure he was not directly across the street?

A. No, I don't think he was.

Q. What is that?

A. I don't think he was. I saw—he wasn't directly across the street, because if he had been directly across the street I couldn't have seen him.

Q. You are sure he didn't fire into the doorway of the CIO headquarters?

A. No, it was apparent that he was shooting in the air.

Q. Did you hear the first shots fired that night?

A. No, I didn't hear—the first shots seemed to come from the—directly in front of the building.

Q. What is that?

A. The first shots that was fired seemed to come from directly in front of the building.

Q. Directly in front of the building? What building?

A. CIO Hall, the building I was in.

Q. Where were you at that time?

A. I was in the dining room part, on the south side.

Q. Where is the dining room located?

A. That is the room above the last room on the south side.

Q. How long is that building, do you know?

A. That building is about a little bit longer than this room.

Q. In terms of feet, do you know how long? What would you say, about?

A. Oh, about 50 feet; something like that.

Q. What is that?

A. About 50 feet long.

Q. You were 50 feet away from the front of the building, is that correct?

A. I was about in the middle of the building.

Q. You were about in the middle of the building?

A. Yes. You see, the dining room is the first room from the kitchen.

Q. How many feet would you say you were from the front end of the building?

A. About 30 feet.

Q. Where did you say the shooting seemed to come from?

A. Seemed to come from the front.

Q. Downstairs or upstairs?

A. In the street.

Q. In the street?

A. It seemed to come from in the street.

Q. Did you hear tear gas being fired?

A. Yes, I could see it in the air.

Q. Are you sure that the first shot that was fired wasn't a tear gas gun shot?

A. Yes. It was—it sounded like a revolver shot.

Q. A revolver shot?

A. Yes.

Q. After the revolver shot, what kind of sounds did you hear then?

A. It was a great big lot of noise; you could hear the tear gas sizzle.

Q. Did you hear any bullets going into the building?

A. No, I couldn't hear them anyhow.

Q. What is that?

A. I couldn't hear them anyhow; the only thing I heard was when the tear gas shell broke the windows coming upstairs.

Q. Did you hear any bullets coming into the building?

A. No.

Q. Did you go to the front two rooms on July 11th?

A. Yes, I was in the front rooms of the department.

Q. After the shooting started?

A. No, I went toward the front but after the tear gas came in I got as far as the hall.

Q. Have you ever looked at the building since July 11th?

A. Looked outside.

Q. Have you ever looked at the bullet holes?

A. I seen; you know how a bullet makes a mark on the wall.

Q. What is that?

A. A mark on the wall.

Q. Did you see any bullet holes going right through the front of the building?

A. No.

Q. But you saw the bullet marks on the inside of the building?

A. On the outside; you know, going down to Cleveland Avenue. You see, I go to work in different places on the street car.

Q. I am asking you whether or not you had seen the front of that building.

A. Yes, I saw the front of that building.

Q. Have you come close enough to see any bullet holes in any part of the building?

A. Yes.

Q. Where did you notice bullet holes?

A. In front of the building.

Q. Bullet holes in front of the building?

A. I couldn't see whether or not they went through or not; I wasn't that close.

Q. But you could see bullet holes in front of the building?

A. I could see the marks made by the bullets.

Q. Now, did any bullets come in the rear of the building whizzing by?

A. No.

Q. Any tear gas?

A. Tear gas came in front; and you could smell it. It got in your eyes; it was very strong.

Q. What time did you arrive at the C. I. O. headquarters?

A. Around 9:30.

Q. At that time there was music, is that right?

A. Just had this bass fiddle at that time.

Q. Weren't there several instruments being played that night?

A. I don't know if there was or not. I didn't pay no attention to it.

Q. But you heard a fiddle being played?

A. I could see the fiddle.

Q. Did you hear the playing?

A. Yes, you could hear; and then it sprinkled a little bit and they all went inside.

Q. Was there any playing after they went inside the building?

A. I could hear the stamping and moving about inside.

Q. Did you hear them playing the fiddle or any other instrument after they got inside from the rain?

A. No, I didn't.

Q. Did you hear them dancing or a movement like dancing?

A. The only thing I heard was like feet moving around there.

Q. Were they the movements of dancing?

A. You couldn't tell what it was.

Q. How many times have you visited that house?

A. I have been up there three times.

Q. Was that the third time that you went up there on July 11th?

A. It was about the third time.

Q. And you looked out of the window and saw flashlights being used?

A. Yes.

Q. Did he look at the same time you did?

A. It wasn't Mr. Coleman; it was his brother-in-law.

Q. Did you hear Mr. Coleman testify here?

A. Yes.

Q. Did you hear him testify that he looked out the window and saw the flashlights?

MR. DAY: I object to that. This man testified that he was looking down at the window when Mr. Coleman was.

MR. LAUTER: He didn't say that. I asked him if he was.

MR. DAY: I object to that; you are putting something in his mouth that is not there.

TRIAL EXAMINER LINDSAY: Read that question.

(The last question was read.)

TRIAL EXAMINER LINDSAY: Were you here when Mr. Coleman testified?

THE WITNESS: Yes, I was here.

MR. LAUTER: Do I understand that an objection is being made that I am putting something in the witness' mouth?

MR. DAY: I will withdraw the objection.

TRIAL EXAMINER LINDSAY: You have no objection?

MR. DAY: I have no objection.

MR. LAUTER: Will you read that question to the witness?

(The last question was read.)

A. Yes, sir.

Q. Did you look out the window after he did or before?

A. After.

Q. Did you speak to him about what you had seen outside?

A. Yes, I did.

Q. Did you tell him what you had seen?

A. No, he told me when we came in what he had seen.

Q. Did he tell you anything about what he had seen when he had looked out of the window and seen the flashlight?

A. No, he didn't tell me anything.

Q. Did he tell you—strike that out. Did you tell him what you had seen?

A. No; anybody—

Q. What is that?

A. I didn't. Just me and DeVaughn, we discussed the digging up of the stones; what they were going to do with them.

Q. But you didn't say anything about that to Mr. Coleman, is that correct?

A. No.

Q. But you did know from him that he had looked out from the window?

A. Yes.

Q. And had seen flashlights?

A. He didn't say he had seen flashlights.

Q. Did he say whether he was able to see anyone picking up stones?

A. No, he didn't say.

Q. Did you hear him testify that he couldn't identify anyone who was picking up the stones when he looked out the window?

MR. DAY: Objection.

TRIAL EXAMINER LINDSAY: Overruled.

MR. DAY: Exception.

A. I heard him testify that he couldn't tell what they were talking about.

MR. LAUTER: That is all.

Redirect Examination

Q. (By Mr. Pontius) Could you tell what they were talking about?

A. I seen them what they brought up there and what they was putting down.

Recross Examination

Q. (By Mr. Lauter) You say you saw them?

TRIAL EXAMINER LINDSAY: Read that question.

(The last question was read.)

Q. Did you see where they got that from?

A. I seen them go back and pick up something, and when they came back they put down stones.

Q. Could you identify anyone of the men?

A. No, I couldn't. They all of them had stones.

Q. Do you know where they came from?

A. I suppose the men—

Q. I am not interested in what you supposed. Did you see where they came from?

A. They was out there.

Q. Did you see where they came from?

A. No, I didn't see where they came from.

Q. Did you see where they went to

A. Where they went to dig up the stones and where they put the stones.

Q. Did you see where they went after that putting of the stones down?

A. Just back and forth there.

Q. Did you see where they went after they finished putting the stones down?

A. They just stood around.

Q. How long did they stay around?

A. I don't know; it was just like they was there.

Q. You did see them after they put down the stones?

A. No.

Q. How far away from the building was the pile of stones?

A. The pile of stones was in the building—let me see —It was about 12 feet between the empty residence; from the building I was in.

Q. So far as you know, they may have come anywhere from that vicinity?

A. Yes.

MR. LAUTER: That is all.

MR. DAY: That is all.

(Witness excused.)

ROBERT DeVAUGHN

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Pontius) What is your name?

A. Robert DeVaughn.

Q. Where do you live, Mr. DeVaughn?

A. 56 Third Street, S. W.

Q. Massillon?

A. Yes, sir.

Q. Are you a relative of Mr. Coleman who testified here?

A. Yes, sir.

Q. How are you related?

A. Brother-in-law.

Q. Where did you live on or about July 11th, 1937?

A. 1310 Cleveland Avenue.

Q. 1310 Cleveland Avenue; is that right?

A. Yes.

Q. Where was that with respect to the C. I. O. hall?

A. That is right above the C. I. O. hall.

Q. Now, were you there on Sunday afternoon at that home?

A. No, sir, I was away all day.

Q. What time did you get home?

A. About 9:30.

Q. Who if anyone was with you when you got home?

A. Jim Adams.

Q. This gentleman who just testified?

A. Yes, sir.

Q. When you got upstairs there in that home, what, if anything, did you do?

A. What?

Q. What, if anything, did you do when you got upstairs, there?

A. Well, I didn't do anything when I first got up there, until I noticed a large crowd on the outside, I wanted to see what they were doing, so I looked—started looking out, watching.

Q. Was it daylight or dark, at that time?

A. It was dark at that time.

Q. Which side of the building did you look out?

A. On the north side.

Q. What did you observe, looking out the north side of that building?

A. Well, I remember seeing people picking up stones from the rear end of the building, on the north side of the

house, and carrying them towards the front of the building.

Q. Did you see where they put them?

A. No, I didn't exactly see where they were putting them.

Q. What?

A. You couldn't exactly see where they were putting them.

Q. What did you observe about the people having anything with them, at all?

A. No.

Q. Now, after that—

TRIAL EXAMINER LINDSAY: Just a minute. Isn't there one question he hasn't answered?

MR. PONTIUS: He shook his head.

(The record read by the Reporter.)

Q. What direction were they carrying them, if you can say?

A. They were carrying them towards the west.

Q. Now, did you remain in that building that evening?

A. I remained there until about five or ten minutes after 11:00.

Q. Now, just tell what you heard there, that night?

A. Well, you couldn't hear anything, only a lot of talking, and you couldn't understand what they were saying.

Q. Where did this loud talking come from?

A. All around in front.

Q. Were you there when any shooting took place?

A. Yes, sir, I was.

Q. Tell us what you saw about that.

A. Well, when it first began I saw—I went to the rear window and you could see all—I could see these tear gas shooting up though the air and a shell come through the front part of the building.

Q. Then what did you do?

A. Well, we stayed in the rear end until it ceased, the first time, then we called for help, then.

Q. Where did you go?

A. Go to the Republic Steel Hospital.

MR. PONTIUS: I think that is all.

Cross Examination

Q. (By Mr. Lauter) What time did you arrive at your home?

A. 9:30.

Q. What was the address of that home?

A. 1310 Cleveland Avenue.

Q. Are you sure it is not 1213 Cleveland Avenue?

A. 1310.

Q. 1310?

A. Yes, sir.

Q. Do you live there?

A. I live 56 Third Street, S. W.

Q. When you came there you saw a crowd of people?

A. Yes, sir.

Q. Men, women and children?

A. Just men is all I seen.

Q. What is that?

A. Just a bunch of men is all I could see.

Q. See any women?

A. No, sir.

Q. No women at all?

A. Not on the outside.

Q. Did you see any women inside?

A. Couldn't see the inside, it was so crowded.

Q. You couldn't see where the stones were being put?

A. No, you couldn't.

Q. You can't identify the men who gathered the stones?

A. No, I couldn't.

Q. You couldn't tell where they came from?

A. Well, all I know, they came from the north side of the building.

Q. They didn't come from the CIO building, is that right?

A. It was between the CIO building and the other building next to it.

Q. They didn't come from the CIO building, is that correct?

A. Not the CIO building, no, sir.

Q. You couldn't see where they went to, is that correct?

A. No.

Q. All you could do was seeing them carrying stones towards the west?

A Yes, sir.

Q. Did you hear any music that night?

A. No, I didn't.

MR. LAUTER: That's all.

MR. PONTIUS: That's all.

TRIAL EXAMINER LINDSAY: May I ask, did the testimony of the other boys say that this man was with him all the time while they were watching?

MR. PONTIUS: Yes, as I understood it, he said they were lying on the bed.

TRIAL EXAMINER LINDSAY: Both of them together?

MR. PONTIUS: As I understood it.

MR. DAY: Not together.

MR. PONTIUS: Weren't they lying on the bed together?

MR. DAY: Not all three. Just these two men were lying on the bed together.

TRIAL EXAMINER LINDSAY: Just the last two?

MR. DAY: Well, that is my understanding.

TRIAL EXAMINER LINDSAY: Well, it is 5 o'clock. We will adjourn until 9:30 in the morning.

(Whereupon at 5 o'clock p. m., September 8, 1937, an adjournment was had to 9:30 a. m. September 9, 1937.)

Courtroom No. 1, Stark County Courthouse, Canton, Ohio, Thursday, September 9, 1937.

The above-entitled matter came on for hearing, pursuant to adjournment, at 9:30 o'clock a. m.

Before:

John T. Lindsay, Trial Examiner.

Appearances:

Mark Lauter, Esq., Oscar Grossman, Esq., and Joseph A. Hoskins, Esq., appearing for the National Labor Relations Board.

Luther Day, Esq., Thomas F. Veach, Esq., Arno G. Erdrich, Esq., (Cleveland, Ohio), and H. C. Pontius, Esq., (Canton, Ohio), appearing for the Respondent.

PROCEEDINGS

TRIAL EXAMINER LINDSAY: The hearing is called to order.

RICHARD R. FRANCE

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Pontius) You are Mr. Richard France?
A. Yes, sir.
Q. Your home is in Alliance, Ohio?
A. That is right.
Q. In this County?
A. Yes.
Q. Have you any official position in Stark County?
A. Chief Deputy Sheriff.
Q. How long have you been Chief Deputy Sheriff—
A. Three years.
Q. Continuously in this County?
A. Three years.
Q. Who during that time has been Sheriff of Stark County?
A. Joseph T. Nist.
Q. Canton, Ohio, is the County seat of this County?
A. That is right.
Q. The cities of Massillon and Canton are located in what County?
A. Stark County.
Q. Now, Mr. France, you were then connected with the Sheriff's office of this County when this strike took place on the 25th of May of this year?
A. I was.
Q. Are you familiar with the location of the Republic plant in the City of Massillon?
A. Yes, sir.
Q. Are you familiar with the location of the Republic plant in the City of Canton?
A. Yes, sir.
Q. Prior to the strike were you familiar with the location of those plants?
A. Yes, sir.
Q. You may state whether or not you visited the main

plant at Massillon, that location, at any time after May 25, 1937?

A. Yes, sir.

Q. Now, Oberlin Road—are you familiar with Oberlin Road in Massillon?

A. Yes, sir.

Q. Do you know where the dividing line is between the City of Massillon and the County? Is—do you know where that was with respect to Oberlin Road?

A. I do.

Q. Where is that?

A. Oberlin Road.

Q. That is, in other words, the Center of Oberlin Road; north of the center is in the City of Massillon; south of the center is in the County?

A. That is right.

Q. And outside of the City limits of Massillon?

A. Yes.

Q. The main offices of the Central Steel of Massillon are located in the City of Massillon?

A. In the city.

Q. And the plant proper is in the County?

A. That is right.

Q. After this strike took place on May 25, 1937, who had charge of the sheriff's office of this County in respect to placing any deputies in any of the strike zones?

A. Well, the sheriff, I would say.

Q. Who looked after the detail of it?

A. I did.

Q. Were deputy sheriffs placed on Oberlin Road in Massillon after the strike was called?

A. They were.

Q. Now, did you visit the Massillon plant following May 25; if so, about when was the first time that you were there?

A. Well, I would say the first time I was there would be about June 1st.

Q. About the 1st of June?

A. Yes, sir.

Q. Of this year?

A. Yes, sir.

Q. Now, was there anyone with you at that time?

A. Yes, sir.

Q. Who was with you?

A. Deputy Frank.

Q. You mean Deputy Sheriff Frank?

A. That is right.

Q. How did you go there?

A. We drove.

Q. Automobile?

A. Yes.

Q. Where did you go at that time?

A. Well, we went out to Oberlin Road, and then made a complete circuit of the plant to locate the openings of where they had established picket posts.

Q. Did you observe the pickets at that time?

A. Yes, sir.

Q. Just tell the Trial Examiner what you observed about the pickets on that occasion.

A. Well, on that occasion there weren't so many pickets there because the plant was open but they had them along Oberlin Avenue and on Ninth Street clear out to the furnace; that is probably a mile and a half south of the Massillon city limits.

Q. And conditions on Oberlin Road, how many pickets would you say were along there, on that day?

A. Now, you are speaking of June 1st?

Q. Yes.

A. Why, I would say there was some 30 to 40 there at that time.

Q. Now, what, if anything, did you notice about these pickets? That you saw on that occasion?

A. Well, they were moving around on Oberlin Road from—I would say the west end of that viaduct, up to the bridge over the Pennsylvania, or the overhead bridge there west of the offices.

Q. That is, west on Oberlin Road, west of the office—what is there? You spoke of an overhead bridge.

A. Well, there is an overhead bridge going over the railroad there, west of the offices.

Q. And that is west of the viaduct on Oberlin Road?

A. Yes, sir.

Q. Go forward and tell what you observed about those pickets.

A. Well, those fellows were there; they were carrying clubs and sticks and irons and so forth. They didn't have any regularly established picket posts, but were up and down the road there, on that date.

TRIAL EXAMINER LINDSAY: Just strike out "and so forth".

MR. PONTIUS: "And so forth" yes.

Q. (By Mr. Pontius) Can you describe the clubs they had, further than you have?

A. Well, they were of all descriptions. Some of them were ball bats, some of them were clubs that had been whittled round, three or four feet long. Some of them had iron pipes, with bolts screwed on the end of them. A considerable lot of stones piled up in piles along the road there.

Q. Did you notice whether or not these pickets that you saw there had anything to distinguish them by, in any way?

A. Yes. The pickets all wore a button about the size of a quarter of different color—I think there was a new button issued each month of a different color, with the name of the month on it. Each one of those wore a button.

Q. Do you remember what were on the buttons?

A. Well "CIO" and then the date—the month. I can't tell you what was on them. I never had one in my hand.

Q. Did you go back to Massillon from time to time, after this occasion?

A. Yes, sir.

Q. Do you know when or about when you went back there, next time?

A. No, I would not want to fix the date, but I was there three or four times every week.

Q. And on these later visits what was the situation that existed on the road around that plant?

A. I can't fix the date, but after they started to operate their plant I went over there and they had established posts; immediately at the west end of the viaduct, they had a picket post; two picket posts established between that point and a gate just west of there; they had a picket post established—three picket posts established from there to this overhead bridge.

Q. That is the overhead bridge on Oberlin?

A. Going over the railroad.

Q. What, if anything, did you observe about the men there on the picket line on that date or on those occasions?

A. Well, there were a great many more at that time than there was when we first went over there in June. There were not any definite number at any post. They were around there in crowds. I would say that there was in the neighborhood of 250 between the west end of the viaduct and the front of their office—that is the Republic Steel Company's office.

Q. Can you describe anything the pickets may have had with them on those occasions?

A. Well, they were all carrying clubs or iron pipes.

Q. Now, did the sheriff of this county at any time issue a proclamation with respect to this strike situation?

A. Yes.

MR. PONTIUS: Have you seen this? (Handing document to counsel for the Board.) While you are looking that over, I think I can go forward.

Q. (By Mr. Pontius) Do you know when or about when the sheriff issued his proclamation?

A. June 25, 1937.

Q. And it is in evidence here in this record, I think—if I am mistaken about this I want to be corrected—but I think it was admitted in evidence in Washington that an injunction was granted by Judge Graham of this county?

A. Yes, sir.

Q. Do you know about that?

A. Yes, sir.

Q. And when, with respect to the time of the granting of that injunction, was this sheriff's proclamation issued?

A. I don't know, I can't answer that.

Q. What?

A. I don't know.

Q. Do you know Joseph Morton, the president of the New Deal Lodge at Massillon?

A. I do.

Q. I will ask you if you saw him following the issuance of the proclamation by the sheriff of Stark County?

A. I did.

Q. Where did you see him?

A. Picket headquarters in Massillon.

Q. And where was that picket headquarters located?

A. On a square north of the Republic plant.

Q. That is known, there and referred to in this case, as the CIO Hall?

A. Yes, sir.

Q. When did you see him there?

A. The 27th of June.

Q. Were there any other persons around there at that time?

A. Well, I will say there was 50 CIO men around there.

Q. And did you have anyone with you at that time?

A. Yes, sir.

Q. Who was with you?

A. Deputy Sheriffs Peiro, Zeornecle, and Frank.

Q. Now, do you know about what time of the day that was that you went over there on the 27th of June?

A. Yes; just before noon. I would say 10:30 or 11 o'clock.

Q. Did you know any of the other men there at this place except Mr. Morton?

A. I didn't.

Q. What did you observe about them; about wearing buttons or anything of that kind?

A. Well, all of them had buttons on.

Q. What kind of buttons were they?

A. I can't give you the color of them but they were C. I. O. buttons that the boys wore on the coats.

Q. Now, what occurred there between you and Mr. Morton on that occasion?

A. I went into the headquarters—the picket headquarters—and laid the proclamation on the desk of Mr. Morton.

MR. PONTIUS: Wait right at that point. Will the Reporter please identify this as Respondent's Exhibit No. 7?

(Thereupon the document above referred to was marked as Respondent's Exhibit No. 7 for identification.)

Q. Mr. France, you have referred to a proclamation. I hand you what has been marked as Respondent's Exhibit No. 7 and I will ask you if that is a copy of the proclamation that you had with you on that day?

A. It is.

MR. LAUTER: Are you offering that in evidence, Mr. Pontius?

MR. PONTIUS: Not yet; we will.

Q. Go forward, Mr. France, and tell what was said there on that occasion. What was done there?

A. I took the proclamation into the C. I. O. headquarters and laid it on the desk of Mr. Morton. I said to him: "We will get together and regulate these number of pickets and the picket posts." He was outside by that time. He said: "To hell with Judge Graham; to hell with the God damn courts. I will put as many pickets on the line as I care to."

MR. PONTIUS: Now, in connection with this witness' testimony we offer in evidence Respondent's Exhibit 7 at this point.

TRIAL EXAMINER LINDSAY: May I see it?

MR. PONTIUS: Do you want to see it?

TRIAL EXAMINER LINDSAY: Yes.

MR. LAUTER: I object to it on the ground that it is incompetent, immaterial and irrelevant and outside of the scope of the issues in this case.

TRIAL EXAMINER LINDSAY: Objection overruled. Respondent's Exhibit No. 7 may be received in evidence. Let the record show an exception.

MR. LAUTER: Exception.

(The document heretofore identified as Respondent's Exhibit No. 7 was received in evidence.)

Q. This exhibit, Mr. France, refers to the injunction. Now, following that you may state whether or not there was a change in the picket situation at Massillon to your knowledge.

A. There was.

Q. To your knowledge was the court order obeyed over there as far as you know?

A. As far as the picket posts were concerned, yes.

Q. How many posts were established there; do you

know? That is, after the granting of the injunction?

A. Well, there was two occasions when the picket post was established there just shortly after this proclamation was out. I met with—I can't tell you—some member of the C. I. O.; some fellow Mr. Morton sent with me to establish posts; later on after the injunction, Judge Graham, Attorney Smith—

Q. That is, whom did Smith represent?

A. He represented the C. I. O. Myself drove—I think it was somebody—I don't know who it was—drove around the Massillon plant and re-established the pickets there. We wanted to show the Judge how many pickets were there and let him decide where the posts were and how many men should be placed.

Q. How many posts were established by the Judge?

A. 13.

Q. 13?

A. In Massillon.

Q. Do you know where they were located with respect to Oberlin Road?

A. Yes, he placed one at the west end of the viaduct. He permitted six men there. He permitted one at the main gate of 10 men.

TRIAL EXAMINER LINDSAY: Well now, just a minute.

MR. PONTIUS: I want to shorten this up.

TRIAL EXAMINER LINDSAY: I don't think it is necessary to go into that. He said on the witness stand that they had replies from the proclamation.

MR. DAY: We want to show the number of pickets that were there.

TRIAL EXAMINER LINDSAY: What difference does it make?

MR. DAY: We think it reflects on the situation as to the number of pickets being there before.

TRIAL EXAMINER LINDSAY: But I think that is absolutely immaterial. I don't object to going into

this, if there was any purpose being shown, but I don't believe there is any purpose here to establish—to go through that whole detail of each picket that complied with the order. I think that is enough.

MR. DAY: We think we have the right to show how many pickets were there after the Judge made his order.

TRIAL EXAMINER LINDSAY: As long as they complied with the order—

MR. DAY: Regardless of that we think that that has to be taken into consideration by the Court together with the evidence as to how many pickets were there before.

TRIAL EXAMINER LINDSAY: There was no order before. I don't see the purpose of it at all, Mr. Day. I don't see where it establishes anything.

MR. DAY: Well, I don't know if this witness knows the number—

TRIAL EXAMINER LINDSAY: Well, proceed.

MR. PONTIUS: Will you read that last question and answer?

(The last question and answer were read.)

Q. Go forward.

A. There was six at the bridge over the railroad. There was two picket posts between there and Ninth Street.

Q. Where is Ninth Street?

A. That is the west end of the plant on the Republic Steel building; runs past their furnaces.

Q. How many men at this post?

A. There were six men.

Q. How many men were at each post?

A. There were six men at each post except the main gate there were 10 there. That made about 83 men.

Q. That is around the entire plant?

A. That is right.

Q. Now, Mr. France, you have said you are familiar with the location of the plant in Canton?

A. Yes, sir.

Q. What part of Canton is that main plant located in?

A. Northeast section.

Q. Now, do you know whether any of that plant is in the County outside of the City of Canton?

A. There is, yes.

Q. Are there any railroad tracks in the vicinity of this plant?

A. Yes, sir.

Q. What railroad tracks?

A. Pennsylvania and Wheeling.

Q. With respect to the Pennsylvania tracks, what tracks is there there that goes through?

A. Well, the Pennsylvania main tracks run along the north side, and also they have a yard there of 15 tracks.

Q. That is the main tracks that run from Canton east?

A. Yes.

Q. Any other railroad tracks in that vicinity?

A. Well, the Wheeling & Lake Erie has a switch that comes down south of the plant.

Q. What street runs along the south side of the plant in the city, do you know?

A. There is not any street along the south side.

Q. Well, what is along the south side?

A. Well, it is a commons there. There is Georgetown Road and Eighth Street is on the west if it; Trump Road is on the east side of it. The only street that would go through there would be the intersection of Georgetown Road and Trump Road.

Q. Now, do you know where the main office is in the City of Canton?

A. Yes.

Q. On what street is that located?

A. Eighth Street.

Q. Going out Eighth Street, what direction does that street run?

A. Well, I would say it runs generally north and south.

Q. Does that lead into any road or street?

A. Runs into Georgetown Road.

Q. Georgetown Road, is that in the City or in the County?

A. The County.

Q. Now what direction does the Pennsylvania Railroad run there at the plant, approximately?

A. East and west.

Q. And the main office of the Republic Steel, on which side of the railroad tracks are they located?

A. South.

Q. And the plant of the Republic, which side of the railroad tracks are they located on?

A. Part of it on the south, and the Berger plant on the north.

Q. About how much railroad trackage runs along these plants, would you say?

A. Well, you mean in width of the number of tracks.

Q. No, I mean in length, about how much?

A. Well, the yards proper of the Pennsylvania run on the entire north side of the Republic Steel; that is, the yards.

Q. Yes.

A. Of course, the two main tracks run past it also.

Q. That is, these railroad tracks intersect the plant really, isn't that about the size of it?

A. Well, these tracks parallel the plant.

Q. Parallel the plant?

A. On the north side.

Q. Part of the plant is on the north side and part of it on the other?

A. The Berger plant on the north side and the Republic on the south.

Q. That is, Berger you understand is a subsidiary of Republic?

A. Yes, sir.

Q. Now, on the east side of the Republic plant including the Berger plant, what street is there?

A. Trump Road.

Q. And is that in the city or in the county?

A. County.

Q. What street bounds the plant on the west?

A. 8th Street.

Q. 8th Street? And what is north of the plant?

A. Well, there is a railroad, in general, is north of the plant.

Q. North of the Berger works?

A. North of the Berger Works is—runs down Mahoning Road or very near to it.

Q. Is that one of the public streets in this town?

A. Yes, sir.

Q. And that leads on out into the country?

A. Yes, sir.

Q. Do you know whether or not the Republic has another plant than you have described, here in Canton?

A. Canton Culbert is the name of it, I think. I don't know for sure.

Q. Where is that located?

A. I think that is 13th Street or 15th, along the north side of the Berger plant.

Q. Do you know where Bandi's Hall is located?

A. Yes, sir.

Q. Where is that located?

A. On Belden Avenue.

Q. What is that, or was it?

A. Well, that is a saloon, and then in the basement, CIO headquarters.

Q. Now, any other plant of the Republic located in the city of Canton that you know of?

A. There is one down here on the south end, I was never down there.

Q. You never were down there? What was the situa-

tion here in Canton with respect to the mills working, was that mill out there working where you were about, after the strike was called? Just briefly, I mean.

A. They continued to work.

Q. They continued to work? That is, in Massillon they were closed?

A. Practically shut down.

Q. But here they continued to work?

A. Yes, sir.

TRIAL EXAMINER LINDSAY: Now off the record.

(Discussion held, not made a part of the record.)

Q. (By Mr. Pontius) How soon after the strike was called, if at all, Mr. France, did you visit the plant of the Republic Steel that you have told about here in the city of Canton?

A. I think the strike was called at 8:30 and I was there at 9:00.

Q. Where did you go?

A. Around the plant.

Q. That is around the plant that you have described?

A. Right around the plant.

Q. Was there anyone with you on that occasion?

A. Yes, sir.

Q. Who was with you?

A. I think Deputy Sheriff Frank was with me.

Q. How did you proceed around this plant?

A. We had an automobile.

Q. Any indication as to what automobile there was on it, or anything of that kind?

A. No, sir.

Q. Now, I wish you would tell the Trial Examiner your observations that night immediately after the strike was called?

A. Well, we found pickets up Belden Avenue.

Q. By the way, you haven't said where Belden Avenue is?

A. Well, Belden Avenue runs from Mahoning Road to the Pennsylvania Railroad tracks on the west side of the Berger plant.

Q. Belden Avenue?

A. Belden Avenue.

Q. I want to go back a little. This main street running east and west through the city of Canton, what street is that?

A. Mahoning Road?

Q. No, this street right here in front of the courthouse?

A. Tuscarawas Street.

Q. Can you spell it? That is an old Indian name here, and we all know it. About where is this plant of Republic that you have described with respect to Tuscarawas Street?

A. Well, it is east of Tuscarawas Street—northeast, I will say.

Q. Northeast?

A. Yes.

Q. And Belden Avenue, what direction does it run?

A. Well, Belden Avenue runs in a general direction of, I would say northeast by southwest.

Q. And where does that intersect—does that intersect Tuscarawas Street, east?

A. Yes, quite a ways over.

Q. Yes, and you go out east Tuscarawas, north on Belden, that runs into what street, there, going north on Belden?

A. If you are going north on Belden, you would run into Mahoning Avenue; if you would go the other way you would run into Waynesburg Road.

Q. You talk about, as I get it, Eighth Street N. E.?

A. Well, Eighth Street northeast—Belden Avenue does not intersect it.

Q. I see.

A. Belden Avenue stops at the Pennsylvania Railroad

and again starts at Eighth Street, and goes on across Tuscarawas.

Q. The regular entrance to the main plant, are you familiar enough to tell us how the workmen and workers would get to the Republic plant?

A. Well, there was some of them went into—if you are inquiring about Bergers there, some of them go in there on Belden Avenue, and they go in the tin plate up on Eighth Street and Belden, and then quite a number of them go up on Eighth Street at the main office gate.

Q. Now, go forward and tell us what you observed this first night about 9 o'clock as you have said?

A. Well, we made a trip around the plant and we saw numbers of pickets at every corner, various places around the road, entirely around the plant.

Q. What, if anything, did you observe about these men?

A. Well, as I—they had no regular picket posts established at that time, they were all carrying clubs and were walking up and down the various streets around the plant.

MR. LAUTER: I move the testimony of the witness that they were all carrying clubs be stricken from the record, unless he is willing to testify that every single person he saw there was carrying clubs.

MR. DAY: That is a matter of cross-examination, isn't it?

TRIAL EXAMINER LINDSAY: Yes, the motion is denied. Let the record show an exception.

MR. LAUTER: Exception.

TRIAL EXAMINER LINDSAY: You may cross examine on that.

Q. (By Mr. Pontius) What kind of clubs, can you describe them to me?

A. Well, they were ball bats and clubs they had whittled round, that they could handle, pipes, iron pipes and iron rods; picked up a hatchet.

Q. Did you notice whether these men wore any insignia of any kind?

A. Yes, most all of the CIO men wore their buttons on their coat, that you could identify them.

Q. Did you visit that plant thereafter, from time to time?

A. Yes, sir.

Q. How frequently did you visit there?

A. Daily.

Q. From the 11th of June on what was the situation that existed at that time?

A. You mean what the situation was?

Q. With respect to—

A. Well, there was always pickets there. They was always armed with clubs.

Q. About how many would you say were around there?

A. 300.

Q. Now, did you at any time go to Bandi's Hall, that is the C. I. O. headquarters?

A. Yes, sir.

Q. What street is that located on?

A. Belden Avenue.

Q. About how near to the plant of the Republic Steel?

A. A couple of hundred feet.

Q. When you went there to whom did you go; whom did you see there?

A. Well, I was—

MR. PONTIUS: Withdraw the question.

Q. When did you first go there?

A. June 10th or 11th. It was the morning after a boy was injured on the Georgetown Road.

Q. Whom did you see there at the hall on that occasion?

A. Well, we went down into the basement. That is where the headquarters were. There were quite a number

of fellows there; I would say about 50. Then we went up a pair of steps into an office that had there—

TRIAL EXAMINER LINDSAY: Just a minute.

(Discussion had.)

Q. Whom did you see there?

A. In the office we saw Gerald Smith, Sweeney, and some other fellow was there. I am not quite sure. I won't say for sure who the other fellows were.

Q. Did you say you went up into an office? Was there any sign on that door?

A. Yes, sir; the door was closed, and it says: "Private." It also says: "Please knock."

Q. Who was with you on that occasion?

A. Deputy Sheriff Frank.

Q. Were those fellows, Gerald Smith, Sweeney, and the others, C. I. O. men?

A. Yes, sir.

Q. Did you have a talk with them there?

A. I did.

Q. Whom did you talk with?

A. Smith.

Q. I wish you would give that conversation that you had with Smith in the C. I. O. Hall.

A. Well, I will give it to you in substance but I can't give it to you in the exact words. I was interested in knowing who the pickets were on Post 9.

TRIAL EXAMINER LINDSAY: Just a minute.

MR. PONTIUS: We don't care—

TRIAL EXAMINER LINDSAY: Strike that out. Tell us what you said and what they said to you and nothing else.

A. I asked Smith if—for the names of the pickets on Post No. 9.

Q. What did he say to you?

A. He refused to give it to me.

Q. What further was said there?

A. Well, a general discussion was had and so forth.

TRIAL EXAMINER LINDSAY: Strike that out.

Q. The substance of what was said, Mr. France.

A. Well, the substance was my request that they furnish me the names of the pickets on Post 9 and they refused to do it.

Q. In that conversation did you say why you wanted the names?

A. I did.

Q. Go forward.

A. I wanted to learn the fellows on that picket post that we might learn who hit this boy in the car on that night before.

Q. What was said further about the matter, if anything, as to whether they had the names?

A. They didn't say whether they had them or not but they refused to give them to us.

Q. To your knowledge, was there some boy hurt the night before you went to this hall?

A. There was a boy hurt the night before.

Q. Where had that taken place?

A. Georgetown Road on the Wheeling & Lake Erie tracks.

MR. LAUTER: Will you read that answer?

(The last answer was read.)

MR. LAUTER: I move that the testimony of the witness with respect to the boy be stricken from the record.

MR. PONTIUS: I will say, your Honor, every witness can't tell the whole story. We will follow this up later on.

MR. DAY: This man is an officer of the law, your Honor.

TRIAL EXAMINER LINDSAY: Whether he is an officer of the law or not, the Court does not permit him to make any statement that has nothing to do with the record. For the time being, this will be stricken from the record. You may have an exception.

Q. Now, did you visit the strike scene in that vicinity from that time on?

A. Yes.

Q. How frequently?

A. What?

Q. How frequently, about?

A. Every day.

Q. Now, what was the situation up until the time the injunction was granted; tell us in detail.

A. Well, it was growing worse every day.

MR. LAUTER: I move that that be stricken.

MR. PONTIUS: He is an officer.

TRIAL EXAMINER LINDSAY: I will sustain the objection.

Q. Just describe it. You said growing worse. Describe what you observed.

TRIAL EXAMINER LINDSAY: Unless he tells what the conditions were preceding and what they are now, for the time he is talking about, that should be stricken from the record. That does not mean anything.

MR. PONTIUS: It won't take too much time.

TRIAL EXAMINER LINDSAY: Let us get at the facts. The only thing I am objecting to is a lot of irrelevant material that does not connect with anything or any incident.

MR. PONTIUS: I am going to that incident of past June 11th or whenever that was.

Q. Following the visit when you were in Bandi's Hall, just describe the situation that you saw at that time from the 11th as time went on.

A. Well, there was in the neighborhood of 300 pickets around the plant each day. They were all carrying clubs—no definite picket post established. We were having numerous complaints of the actions there which we investigated; and quite a number of them we were able to locate as C. I. O. men having committed and others we were not.

Q. About how long did that situation continue?

A. It existed there?

Q. How long did that situation exist there?

A. Those conditions continued to exist until after the injunction.

Q. What complaints did you get; in substance?

A. Well, we had complaints of stoning of cars, breaking of windows, shooting of cars, coercion of various members of families that worked in there. We had complaints of kidnapping, theft, the wrecking of automobiles, and the assault of various citizens of the community that were not in any way connected with the plant. We had complaints of the dynamiting of the electric light poles; the cutting of telephone wires. I guess that is about all.

Q. And did your investigation of these complaints—did you investigate these complaints from time to time?

A. We investigated all of them in the County.

Q. By that expression, what do you mean, "in the County?"

A. Well, we didn't take the investigating within the City of Canton.

Q. What?

A. We didn't make the investigations of those complaints that came to us that happened in the City.

Q. Who made the investigation within the City?

A. The Canton Police Department.

Q. Now, what did you find with respect to the investigating of these various complaints?

A. Well, they made several arrests. We had them arrested and charged with intoxication and carrying of concealed weapons and with disorderly conduct, with destruction of property, with assault to wound or kill.

Q. Do you know whether some of those cases are pending now?

A. They are all pending.

Q. Where, do you know?

A. Some of them in the Canton Municipal Court and some of them in the Grand Jury.

Q. In the Grand Jury?

A. Yes.

MR. LAUTER: I move that the testimony of this witness with respect to the arrest that he made and the charges be stricken from the record. No evidence that it is connected up with the C. I. O. members or any convictions leading to their arrest.

MR. PONTIUS: Can I ask a question, your Honor?

TRIAL EXAMINER LINDSAY: Yes.

Q. You say that these cases are pending. Do you know whether or not they were C. I. O. men or otherwise?

A. They were all C. I. O. men.

TRIAL EXAMINER LINDSAY: There is a lot that does not mean very much; however I will permit it to stand and overrule the motion. Let the record show an exception.

MR. LAUTER: Exception.

Q. Now, was there any change in the situation, Mr. France, following the injunction order that you have referred to?

A. Yes, there was a change.

Q. What was the change in the situation?

A. They reduced the number of picket posts and the number of pickets.

Q. That is following an injunction granted by Judge Graham?

A. Yes.

Q. Could you tell about how many posts were established then after the injunction?

A. In Canton?

Q. Yes; this Canton plant?

A. They were reduced from 43 to 9.

Q. With respect to this proclamation which is in evidence as Respondent's Exhibit No. 7, was that proclamation issued here in Canton also?

A. Yes.

Q. What do you know about that being published here?

A. Well, it was published and we posted it around all the roads around the Republic Steel Company.

Q. Now, you may state whether or not, Mr. France, you were ever attacked there.

A. What?

Q. Do you know when that was?

A. I can't fix the date.

Q. Before the injunction or after, do you know?

A. I would say before, I am not sure.

Q. Where were you attacked?

A. On Winfield Avenue.

Q. Where is that with respect to the Republic Steel plant?

A. Well, it runs north to the railroad tracks on the north side

Q. Could you tell when or about when that was?

A. Well, I would say it was about the time or before the injunction was issued. We were driving down Winfield towards the railroad and one of the pickets ran up to the car and struck at me. I was sitting on the right-hand side of the car and the window was open.

Q. About what time of the day was this?

A. Just about noon. I moved over in the car and I told the driver to stop and he stopped. I threw the door open and ran after the man and arrested him.

Q. Were there any other pickets?

A. There was five others and they started towards the car and we told them to lay their clubs down and not to come towards us or they would be locked up, and they all went away.

Q. What happened to this man?

A. He was arrested, placed in jail, and then released on bond.

Q. Now, did you have any other personal occurrence around that plant at that time?

A. Yes. The Eighth Street Entrance.

Q. That is near the main offices?

A. That is at the main offices.

Q. At the main offices?

A. Yes. They had the driveway going into the Republic Steel blocked with their automobiles.

Q. Do you know when that was?

A. Just prior to the injunction.

Q. Do you know how many men were there on that occasion?

A. I would say about 50.

Q. What, if anything, did they do?

A. Well, they were all carrying clubs. They had the driveway blocked clear across and we wanted them to move the cars. So they refused to do it. They got pretty heated.

TRIAL EXAMINER LINDSAY: Strike that part out.

MR. PONTIUS: That may be stricken.

A. (Continuing) They called the various captains from the C. I. O. headquarters to come out there to prevent any trouble there.

Q. Whom did you call?

A. Well, I called the C. I. O. headquarters. They sent up Mr. Sweeney and Mr. Donard, and a colored captain. I can't think of his name right now. They didn't have any more control over them than we did. They told all of them to go to hell.

Q. What was the appearance of these men?

A. They were excited and angry and was in a mood to start trouble, which they didn't want, and we wanted to avoid it.

TRIAL EXAMINER LINDSAY: "In a mood to start trouble" and following that may be stricken.

MR. PONTIUS: Yes.

Q. Who was with you on that occasion?

TRIAL EXAMINER LINDSAY: Mr. France, you can save a lot of time if you understand that we only want the facts. What you think doesn't mean a thing.

THE WITNESS: I will try to give the facts.

TRIAL EXAMINER LINDSAY: Leave your thoughts out.

THE WITNESS: What I am trying to say—

TRIAL EXAMINER LINDSAY: Let us have no argument.

THE WITNESS: (Continuing) Well, they were milling around there. They were moody and mad and they refused to move the cars. We got the captain down and they still refused to move the cars. They told Donnard to go to hell.

Q. Do you know where these men were from?

A. They were from Massillon, most of them.

Q. What, if any, insignia did they have?

A. They had their buttons on.

Q. Now, go forward.

A. After that they arrested Bartolic, one of the fellows that was there and accused him of carrying concealed weapons.

Q. Did he have a gun on him?

A. He did.

Q. How many officers did you have there?

A. Four.

MR. LAUTER: I move that the evidence with respect to the man Bartolic be stricken from the record.

TRIAL EXAMINER LINDSAY: Motion is denied. Exception may be granted.

Q. Do you know whether or not he was a C. I. O. man?

A. Yes, sir, he was.

Q. Following the granting of the injunction, what was the situation here in Canton? That is, did you from time to time continue your going around this plant?

A. Every day.

Q. What was the situation following the granting of the injunction?

A. Well, in what way do you mean?

Q. In respect to any disorder or otherwise?

A. Well, they were still carrying clubs. We were taking them in and taking the clubs away from them.

Q. Where did you find them carrying clubs?

A. Just in and around the picket posts.

Q. Who were those fellows carrying clubs?

A. C. I. O.

Q. Prior to the time of the injunction, what if anything, did you observe about the picket post aside from the fact that these men had clubs?

A. Well, each had a pile of stones.

Q. Can you tell us where the picket posts were established in the County following the injunction around the plant?

A. Yes, sir, they had one at Eighth Street up Georgetown Road. They had one up Georgetown Road by the Lake Erie tracks. They had one on Trump Road on the furnace post.

Q. Those three posts were in the county?

A. They were.

Q. Now, I will ask you whether or not you visited those three posts from time to time?

A. Daily.

Q. Following the injunction what, if anything, did you observe with respect to those posts and surroundings?

A. Well, on two occasions we found a revolver and shotgun and rifle hidden in the weeds alongside of the picket posts.

Q. And following the order of injunction, was anything taken from any of these men in the way of clubs or things of that kind?

A. There was some occasions I think we found clubs on them, and we took them off of them.

Q. Did you have any pictures made of those clubs taken off of the men in the County Part?

A. I did.

Q. And who took the picture?

A. Mr. Grether of the Canton Police Department.

Q. Did you see the picture taken?

A. Yes, sir.

Q. Did you have charge of taking these clubs to Mr. Grether?

A. We had him come to the County Jail to take the picture.

MR. PONTIUS: Please identify this as Respondent's Exhibit No. 8.

(The document above referred to was marked as Respondent's Exhibit No. 8 for identification.)

Q. Handing you Respondent's Exhibit No. 8.—

TRIAL EXAMINER LINDSAY: Pardon me, did I understand the witness to say that the pictures were taken right out at the time he took the clubs away from these men?

MR. PONTIUS: No, no.

TRIAL EXAMINER LINDSAY: Read the last answer.

(The record was read by the Reporter.)

TRIAL EXAMINER LINDSAY: I don't know whether that is misleading or not. It misled me.

MR. PONTIUS: Perhaps I can clear it up, if there is any doubt about it.

TRIAL EXAMINER LINDSAY: It made me think the picture was taken at the time he took the clubs off of these men.

MR. PONTIUS: No.

TRIAL EXAMINER LINDSAY: Clear that up.

Q. (By Mr. Pontius) You testified, Mr. France, that the clubs were taken out there from the men in County Part?

A. Yes, sir.

Q. Where were those clubs taken to?

A. To my office in the County Jail.

Q. And were the photographs made of this at the County Jail after that?

A. Yes, sir.

Q. By whom?

A. Mr. Grether of the Canton Police Department.

Q. Handing you Respondent's Exhibit No. 8, I will ask you if that is a fair representation of the clubs that you had taken, that you have spoken about?

A. Yes, sir.

MR. LAUTER: Object to the form of the question and move that the answer be stricken out.

MR. PONTIUS: Well, I am going to call Mr. Grether to identify it.

MR. LAUTER: Well, this witness is not qualified to testify as to whether a picture is a fair representation. He is not qualified as an expert photographer.

MR. PONTIUS: All right.

MR. DAY: Well, that is—

TRIAL EXAMINER LINDSAY: Now just a minute. The word "fair" does not mean anything. If you want to ask the question, is it an exact duplicate of the clubs, why of course that is very different. Or a true picture.

Q. (By Mr. Pontius) Well, I will ask you, Mr. France, if that is a true picture of the clubs that were taken and about which you have told us?

A. It is.

MR. LAUTER: I object to that question and move the answer be stricken.

TRIAL EXAMINER LINDSAY: Objection overruled, let the record show an exception.

MR. LAUTER: Exception.

MR. PONTIUS: Well, I think in connection with this witness' testimony I will offer this in evidence.

MR. LAUTER: I object to it, object to the picture

as incompetent, irrelevant and immaterial and in no way connected with any of the issues in this case.

(Counsel submits picture to the Examiner.)

MR. LAUTER: I call your attention to the fact, Mr. Examiner, that none of the items there that have been photographed are tagged in any way and that is the usual custom of police officers picking up any clubs of any kind.

MR. PONTIUS: It may be so, down in New York or some place else—

MR. LAUTER: Well, it is true right here.

MR. PONTIUS: It is not true right here.

TRIAL EXAMINER LINDSAY: Well, I will take this under advisement for the time being.

MR. PONTIUS: Very well.

Q. (By Mr. Pontius) Now, Mr. France, do you know Mr. Carl Meyers of the Republic Steel?

A. Yes, sir.

Q. Did you have any conversation with him at any time, at any place, following the strike?

A. Yes, sir.

Q. And where did you have this conversation?

A. The Onesto Hotel.

Q. Can you tell who was present at that time?

A. Chief Switter of Massillon, City Solicitor, and Mr. Hoffman, I think he is police prosecutor.

Q. In Massillon?

A. Yes, sir.

Q. Do you know when or about when that was?

A. It was during the period of the strike, before the Massillon plant opened up. It was while they were down.

Q. Do you know when or about when the Massillon plant was opened up?

A. I don't know. I don't recall.

Q. It has been testified here that the troops came into the county. Do you know when they came in?

A. No, sir.

Q. You don't know that? You remember the occasion, however?

A. I remember that.

Q. The date you don't have? Now, do you know how you came to be called to this meeting?

A. Yes, I was called by Mr. Meyers that there was to be a meeting at his room in the Onesto, and he would like to have me sit in with him.

Q. When you got there you found these gentlemen that you have named? Now, tell the Trial Examiner as fully as you can the conversation that you had there on that occasion? The conversation that took place between you men.

A. The conversation at the beginning was relative to getting sustenance into the plant at Massillon to take care of those fellows that were maintaining the plant, and then Mr. Meyers asked our department, the sheriff's department, to increase our force enough, and asked Chief Switter the same thing, to increase his department enough so we could prevent any occasion of the Chicago riot that they had, that they didn't want any loss of blood or any fights.

Q. Now, was there anything further said in that conversation that you can relate, that you can recall?

A. Only that they would have a meeting at a future date to decide what they would do relative to getting sustenance into the plant for the maintainers at Massillon.

Q. Can you relate the conversation, or the substance of it?

A. Well, I have given it to you as near as I can relate it. I don't recall the words.

Q. I will ask you if, following that conversation, from time to time, you had conversations with Mr. Meyers on the subject of law and order and violence? I don't care to have you detail the entire conversation, but did you have subsequent talks?

A. Well, I had several, well I will say four or five talks with Mr. Meyers along the line of increasing the sheriff's

department in the number of men. That is what he seemed interested in.

Q. What was his statement on all occasions with respect to this order or anything of that kind?

A. His statements were that his hopes were that there would be no rioting of any kind. He did not want any trouble. He thought if we could put enough sheriffs out there, that they could to prevent it.

TRIAL EXAMINER LINDSAY: We will have a short recess now.

(A short recess was had.)

TRIAL EXAMINER LINDSAY: The hearing is called to order.

Q. (By Mr. Pontius) Mr. France, following the time that you were in Bandi's Hall, as you have told about, did you come in contact with a man by the name of John Rossi?

A. Yes, sir.

Q. And who is he?

A. He is a picket for the CIO that lives on the Georgetown Road.

Q. And did you have any conversation with him with respect to the boy that was injured?

A. Yes, sir.

Q. And where did you have a talk with him?

A. At his home.

Q. Was anyone with you at that time?

A. Yes, sir.

Q. Who was with you at that time?

A. Deputy Frank.

Q. And what conversation did you have with him, with respect to this matter?

A. My conversation was relative to he hitting the Bechtel boy with a stone.

Q. What did he say?

A. He first denied it and then we took him down to jail and he admitted it.

MR. PONTIUS: That is all.

Cross Examination

Q. (By Mr. Lauter) What happened to Mr. Rossi, was he convicted?

A. Pending.

Q. What is that?

A. The case is pending.

MR. LAUTER: I move that the testimony with reference to Mr. Rossi be stricken from the record.

TRIAL EXAMINER LINDSAY: I will take that under advisement.

Q. Now, when did this incident that you have just described to us take place; when was that?

A. About June 13th.

Q. June 13th?

A. Yes.

Q. Do you know what day today is?

A. Yes.

Q. Today is September 9th?

A. Yes.

Q. When did you become Chief Deputy Sheriff?

A. Three years ago.

Q. Have you ever had any prior experience?

A. Yes, I was with the Pennsylvania Railroad Company.

Q. In what capacity?

A. Sergeant and lieutenant of police.

Q. How long were you with the Pennsylvania Railroad Company as sergeant and lieutenant of police?

A. Oh, about 20 years service.

Q. What strikes did you participate in?

A. I was out at a strike called in Girard. I can't recall the year but it was quite a long while ago. We were there to protect the Pennsylvania Railroad Company property.

Q. Was that the only strike that you acted in as a policeman?

A. Just a moment. I was with the Railroad company when the railroad shop men had a strike, too.

Q. What year?

A. I believe that was 1922.

Q. Were you a sheriff when the Berger strike took place in 1935?

A. What is that?

Q. Were you a sheriff when the Berger strike took place?

A. Yes, sir.

Q. Were you active in that strike?

A. I beg your pardon?

Q. Were you active in that strike? Were you on duty?

A. Yes, sir.

Q. Now, when did the strike take place here in Canton?

A. May 25th, it was.

Q. About the same time as the one in Massillon took place, is that right?

A. Yes; the entire plant I think declared a strike.

Q. You say you went down to the headquarters or the plant, rather, in Canton the night of the strike?

A. Yes mean the picket headquarters?

Q. Yes.

A. No, I wasn't at the picket headquarters.

Q. Did you go around the plant at that time?

A. Yes, sir.

Q. You saw all the men carrying clubs, is that correct?

A. Yes, sir.

Q. About how many did you see carrying clubs?

A. Oh, I would say that all the ones that were doing picket duty were carrying clubs or pipes or irons or something.

Q. About how many men would you say there were?

A. I would say about 200 that was on the picket line.

Q. How many?

A. I'd say in the neighborhood of about 200 or 250.

Q. You testified that subsequent to that conditions got worse?

A. Yes, sir.

Q. That is up to the time of the injunction?

A. Yes, sir.

Q. At the time of the injunction how many men were picketed around the Canton plant?

A. At the time of the injunction was issued I would say 300.

Q. They were all carrying clubs?

A. Yes.

Q. There was no definite picket lines at that time?

A. Yes, sir.

Q. Did conditions get worse?

A. They were worse than when we started.

Q. In what respect?

A. In the actions of the pickets; in their conduct.

Q. Did you ever see a picket use a club?

A. You mean strike somebody?

Q. That is right.

A. I never saw a picket strike somebody but I saw one run up in front of a car and raise that club to strike the machine.

Q. Is that the only time you ever saw that?

A. Except when they struck at me.

Q. They didn't strike at you with a club, did they?

A. He didn't have a club.

Q. Now, between May 25th and the time of the issuance of the injunction—

TRIAL EXAMINER LINDSAY: Just a moment. Will you read that last answer?

(The last answer was read.)

Q. (Continuing) Did you do anything to take the clubs away from the men?

A. Yes, we took some of the clubs away from them but

after the proclamation was issued we took all of them away.

Q. May I ask you whether that was from May 25th until—

A. Some of them.

Q. But you permitted some of them or the majority of them to retain their clubs, is that correct?

A. The majority of them carried clubs.

Q. You permitted them to do that?

A. We suffered them.

Q. You didn't take the majority of them, did you?

A. I would say the majority was taken away from them prior to the injunction.

Q. When were the majority of the clubs taken away from them; fix the time.

A. I would say at the time of the proclamation.

Q. I am asking you if it was between May 25—when was the proclamation issued?

A. The 25th of June.

Q. When?

A. The 25th of June.

Q. Between May 25th and June 25th; that is one month; did you take any clubs away?

A. Some.

Q. Did you permit the majority of them to carry clubs?

A. The majority of them carried clubs.

Q. Did you take the stones away?

A. They were piled—

Q. You didn't take them away, did you?

A. No.

Q. Now, approximately how many clubs did you take away at the time of the injunction was issued?

A. I would say 50 or 60.

Q. When did you say you took those away; what period of time?

A. We took all of them away at the time the proclamation was issued.

Q. When did you take the 50 or 60?

A. At that time.

Q. At the time of the proclamation?

A. Yes, sir.

Q. Do you know when the proclamation was issued?

A. No.

Q. Do you know how long after the proclamation was issued? A month or two months?

A. Not two months.

Q. A month?

A. Shorter than that, I would say. I don't know.

Q. Now, did you take any pictures of the 50 or 60 clubs that you took away from them?

A. No.

Q. This is the only picture you have taken, is that correct (indicating)?

A. Yes. I didn't take this; Grether took that.

Q. Did you take any of the 50 or 60 clubs; did you take pictures of those clubs that you took away?

A. No.

Q. Did you tag any of those 50 or 60 clubs that you took away?

A. I didn't tag any of them.

Q. Have you ever tagged a gun or a club?

A. I never tagged a club; I have tagged a gun.

Q. Isn't it a custom to tag those missiles?

A. It is; it is customary.

Q. You testified about being attacked yourself? When did that occur?

A. I can't fix the date. I would say prior to the injunction.

Q. You mean some time after June 25th?

A. Well, I wouldn't say about that.

Q. But that was the date of the issuance of the proclamation?

A. Near that time.

Q. You can't remember before or after?

A. Yes.

Q. You are sure it was before the injunction was granted?

A. No.

Q. You are not sure of that, are you?

A. No.

Q. You say you arrested the man?

A. Yes.

Q. What was his name?

A. I told you I haven't got the file.

Q. What is that?

A. I told you that his name is on the file down in the office and I haven't got it with me.

Q. You can't tell me the date that he was arrested either?

A. No.

Q. You can't.

A. No.

MR. LAUTER: Your Honor, at this time I would like to make a formal request that Mr. France produce to this Court a copy of the arrest of this man so that we may have it for this case.

TRIAL EXAMINER LINDSAY: Yes; produce it for the court.

Q. You testified to the arrest of a man by the name of Bartolic?

A. Bartolic, yes.

Q. What was the name of the man you testified you arrested for carrying concealed weapons?

A. Ivan Bartolic.

Q. Is his case also pending?

A. He is bound over to the Grand Jury.

MR. LAUTER: I move that all the testimony with respect to Ivan Bartolic be stricken from the record as incompetent and immaterial and irrelevant and in no way as being connected and that there is no evidence of his being convicted.

TRIAL EXAMINER LINDSAY: I will take that under advisement.

Q. You testified also about finding a revolver; a shotgun; a rifle alongside of the picket post?

A. Yes.

Q. Did you arrest anyone?

A. No, sir.

Q. You didn't identify any of them?

A. No, sir, they denied that and having it.

Q. Did you take any pictures of those?

A. No.

Q. You testified to a meeting at which Carl Meyers was present?

A. Yes.

Q. Remember the date of that?

A. No.

Q. Was it at the Hotel Onesto?

A. Yes.

Q. Who else was present at that meeting?

A. Chief Switter, the City Solicitor and the Police Prosecutor of Massillon.

Q. Who else was present?

A. That is all.

Q. That is all?

A. Yes, sir.

MR. LAUTER: For the purpose of the record, will you state what your recollection as fully as you can what Mr. Meyers said at that time?

A. Mr. Meyers wanted to make some arrangements to get food into the plant: That was the matter he took up. Chief Switter then—he took that matter up with Chief Switter; then he says that the Chief of Massillon ought to increase his department in the number of men, and the Sheriff ought to increase his department in the number of men that they should be able to prevent any riot or bloodshed.

Q. Are you able to identify the clubs in this photo-

graph as having been used by any individuals or carried by any individuals?

A. I can't identify.

Q. Can you identify them as being carried by the C. I. O. pickets or by any particular man?

A. No particular man, no, sir.

Q. Did you have anything to do with the deputizing of the Canton police?

A. No, sir.

Q. Did you know they were deputized?

A. Yes, sir.

Q. Do you recall the evening of July 11th and the incident that occurred in Massillon near the C. I. O. headquarters at which some deputy sheriffs present did some shooting?

A. I wasn't there.

Q. Know anything about it?

A. What I heard.

Q. Did any deputy sheriffs report to you?

A. Reported?

Q. Yes.

A. They reported to me every day.

Q. Who were the deputy sheriffs that reported to you of the incident of July 11th?

A. Deputy Heinz, Deputy Neumacher and Deputy Van Arsdale, and I don't recall who else were there. There were four of them.

Q. Were you on duty on July 11th?

A. I was on duty but I don't know what part you mean.

Q. At any time were you on duty?

A. Yes, I was on duty.

Q. What time were you on duty?

A. Well, I had no regular time to come and no regular time to quit.

Q. What time were you on duty?

A. All—I was usually out at 7 o'clock.

Q. Were you on duty on the evening of July 11th?

A. Well, at the time of the occasion I was at home.

Q. Did you go down to your headquarters that night?

A. Yes, sir.

Q. Had you been advised that any of the deputy sheriffs broke into any of the homes on Columbia Heights section, in Massillon?

A. Visited any of them?

Q. What is that?

A. Did you say visited any of them?

Q. Broke into them is what I said.

A. Oh, no, none of them broke into them. If they did, they didn't report it.

Q. Did you hear that they visited homes, some of the homes?

A. What is that?

Q. Did you hear that they visited some of the homes?

A. I understood that they did, yes.

Q. Did you hear that after their visits they made arrests of people who lived in those houses?

A. Yes. There were arrests made over there that night.

Q. How many were taken down to County Jail, do you know?

A. I couldn't tell you, now, how many were.

Q. Approximately how many, then?

A. I can't.

Q. 100 or 1000.

A. I am just guessing when I am talking about it.

Q. That is all right, give us your approximation.

A. I would say ten.

Q. Ten were the total number that were taken down to County Jail?

A. A lot of them locked up in the Massillon Jail.

Q. Referring to the city jail?

A. What is that?

Q. Are you referring to the city jail?

A. Massillon City Jail, yes, some were locked up there.

Q. How many were locked up in County Jail?

A. I am telling you I am guessing, I will say ten.

Q. Were any of those found—were any weapons found on any of those arrested, do you know?

A. I can't tell you, I didn't arrest them.

Q. Do you recall receiving any reports about whether or not they did have weapons, or not?

A. I don't recall such a report, no.

MR. LAUTER: That's all.

MR. DAY: Do you want Mr. France to get that record right now so you can finish up with him?

TRIAL EXAMINER LINDSAY: Oh, no, not right now. He may produce it.

MR. LAUTER: Sometime in the next day or two.

MR. PONTIUS: Sometime today. He wants to get away.

TRIAL EXAMINER LINDSAY: Today or tomorrow is all right.

MR. PONTIUS: I think that is all.

Redirect Examination

Q. (By Mr. Pontius) Would you get that report and bring it back today?

A. Yes.

Q. And prior to the time you were with the Pennsylvania Railroad, did you have any police experience?

A. City of Alliance.

Q. In what way?

A. Chief of police.

Q. Chief of Police at Alliance?

MR. PONTIUS: That is all. Get that report for me, will you?

(Witness excused.)

ORIN PAULI

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Day) What is your name?
A. Orin Pauli.
Q. Where do you live?
A. R. D. 2, Dalton.
Q. How far is that from Massillon?
A. Five and one-half miles.
Q. Where do you work?
A. Republic Steel.
Q. What is your job there?
A. Working on the slitter.
Q. Working on the what?
A. Slitter.
Q. Slitter? What kind of work is that?
A. You cut the coils down to different widths.
Q. How long have you worked for Republic?
A. Four years.
Q. Were you working there at the time that the strike was called by CIO?
A. Yes, sir.
Q. May 25th last?
A. Yes, sir.
Q. Did you stop work at the time the strike was called?
A. Yes, sir.
Q. When did you go back to work again?
A. July 3rd.
Q. Did you go to work on the night of July 11th, 1937?
A. July 11th? Yes, sir.
Q. What was your shift then?
A. 3 to 11.
Q. Did you come out of the plant that night?

A. Yes, sir.
Q. About what time?
A. 2 o'clock in the morning.
Q. What time would you ordinarily come out?
A. 11.
Q. What did you do about 11 o'clock?
A. Oh, we drove up to the entrance, there they stopped us, they had started to shoot.
Q. You say "we" drove up?
A. Yes.
Q. Did you drive up in an automobile?
A. Yes, sir.

MR. LAUTER: Well, I move the answer of the witness be stricken out, unless he identifies the persons he means by "they". He says "they stopped us".

TRIAL EXAMINER LINDSAY: Yes, unless he tells who stopped him.

Q. (By Mr. Day) Well, who were in the car with you, first?
A. Glen Baquelet.
Q. Who else?
A. Clem Hoyman.
Q. Were they men that worked in the mill with you?
A. Yes, sir.
Q. And whose car were you riding in?
A. Mine.
Q. Who was driving?
A. I was.
Q. Now, just tell what happened when you got up to the gate.

MR. LAUTER: I want a ruling on my motion.

MR. DAY: I am going to try to clear that up now.

MR. LAUTER: I would like to have a ruling on my motion; five or six questions have already gone by.

TRIAL EXAMINER LINDSAY: The motion is granted for the time being. Let the record show an exception.

MR. DAY: Exception.

Q. (By Mr. Day) Well, what happened when you got up there?

A. Well, we were about four or five cars back from the main entrance, when the first ones were stopped.

Q. Now, who stopped them?

A. The police.

Q. What police?

A. Republic Steel police, they would not let us out.

Q. Where were these Republic Steel police stationed at the time they stationed these cars?

A. Right at the main entrance, back at their police booth.

Q. Main entrance, or what? Gate No. 1 was that?

A. Yes, gate No. 1.

Q. I want you to look over at this plat here for a minute, and see if you can identify the gate here. That is north, up at the top; that is south down at the bottom; this is east and that is west. Now there is Erie Street south; there is the viaduct and Oberlin Road.

A. Right here is the main gate where we were stopped.

Q. Indicating about where it says "Gatehouse"?

A. That is it.

Q. That is where you stopped, right there?

A. Yes, sir.

Q. Now, after you stopped how long were you held up there?

A. Oh, we were there until about 1:30 or a quarter to 2:00.

Q. And what did you do when you were stopped?

A. Hid behind some machines.

Q. What, if anything, did you see happen while you were there?

A. I seen them firing.

Q. Well, where did you see any firing coming from?

A. CIO Hall.

Q. And about how far were you from the CIO Hall?

A. I would judge about 400 yards.

Q. When you say you saw them firing from the CIO Hall, what did you see?

A. You could see the flash of the fire coming out.

Q. What else, if anything, did you see?

A. I didn't see anything else, but we heard the bullets.

Q. Now, you say you heard the bullets; now where did you hear that noise?

A. Passing over the machines and hitting on the rolling mill and the Enterprise Aluminum.

Q. Passing over what machines?

A. That was parked there.

Q. Including your machine?

A. Yes, sir.

Q. And from where did those bullets come?

A. From the north down.

Q. From the north down? And can you give us any idea about how many sounds of bullets you heard?

A. No, I don't. There were quite a few.

Q. And you say you heard them striking up against where?

A. The rolling mill on the Republic Steel, and the Enterprise Aluminum Roof.

Q. The Enterprise Aluminum Company is marked right here, on the map, is that where you mean?

A. Yes.

Q. And the Republic Steel is right over here, is that right?

A. Yes.

Q. Now, did you see anything else or hear anything else there?

A. No, I didn't.

Q. Did you see any people there?

A. Yes, I seen people.

Q. What did you see them doing?

A. Why, you couldn't see what they were doing, because it was dark and the lights went out then.

Q. Did you see any other shots besides those that came from the CIO Hall vicinity that you told about?

A. I seen some tear gas guns shooting the other way. I imagine they were.

Q. And about how long were you there looking over what was happening?

A. From about 11 o'clock until a quarter of 2:00.

MR. DAY: I think that is all.

Cross Examination

Q. (By Mr. Lauter) What kind of work do you do at the mill, Mr. Pauli?

A. Working on the slitter.

Q. How long have you worked there?

A. Four years.

Q. When the strike took place did you go out?

A. I was out.

Q. Did you work on May 25th?

A. No, sir.

Q. What was your turn on that day?

A. 11 to 7.

Q. 11 at night to 7 in the morning?

A. Yes, sir.

Q. Did you work on May 26th?

A. No, sir.

Q. Came back on July 3rd?

A. July 3rd.

Q. Who suggested to you that you ought to go back?

A. Nobody.

Q. Nobody?

A. Nobody.

MR. PONTIUS: I want to object on the ground that it is not proper cross-examination.

TRIAL EXAMINER LINDSAY: Objection overruled. Exception may be noted.

MR. PONTIUS: Exception.

Q. Did you call your foreman?

A. Yes, sir.

Q. What is his name?

A. Mr. Gray.

Q. When was the first time that you called him?

A. Sir?

Q. When was the first time then that you called him after you left the plant?

A. On the 2nd.

Q. The night of the 2nd?

A. Yes, sir.

Q. Had you called him before that?

A. No, sir.

Q. Did you call him or did he call you that night?

A. I called him.

Q. State what the substance of that conversation was.

A. Well, I read the Independent and seen that they went back to work and I called him and asked him when my job was ready. He said the next day come in.

Q. Did you sign a Back-to-Work petition?

A. No, sir.

Q. Where did you say the No. 1 gate was?

A. Right there (indicating).

Q. Where was the No. 1 gate house on this map?

A. Right here (indicating).

Q. Over there?

A. Yes, sir.

Q. Now, can you give me any idea whether or not the land slopes down from Oberlin Avenue?

A. It slopes?

Q. Yes.

A. Not very much from Oberlin Avenue.

Q. Where does it slope?

A. It is level there.

Q. Does it slope at any point from the gate house to the C. I. O. headquarters?

A. Not very much; maybe a little.

Q. Which direction does it slope?

A. South.

Q. South?

A. Yes.

Q. And it slopes down toward the gate house?

A. Very little.

Q. Now, what buildings are there in between the gate house and the C. I. O. headquarters?

A. Well, the hospital, the office is here (indicating), and the main office is here (indicating). There was one house there and then the C. I. O. Hall.

Q. Any doors around there?

A. No.

Q. Are those the only buildings there that you have just named?

A. There are some on the other side of the street.

Q. There were a number of buildings in that vicinity, is that correct?

A. Yes.

Q. There are no buildings that block your view of the C. I. O. headquarters?

A. No.

Q. You can't actually see from where you are the C. I. O. headquarters itself, is that correct?

A. Yes, sir.

Q. How much of that building can you see?

A. Two-thirds of it.

Q. The front two-thirds or the rear two-thirds?

A. The front two-thirds.

Q. The front two-thirds?

A. Yes, sir.

Q. How high can you see? The first or the second story?

A. What is that?
Q. The first and the second story?
A. Yes, sir.
Q. How much in front of the building can you see?
A. The whole front of it.
Q. Can you see in the street in front of that, too?
A. Yes.
Q. Now, you saw firing from the vicinity of the C.I.O. headquarters?
A. Yes, sir.
Q. Did you see any actual shots coming out from the C. I. O. headquarters?
A. I seen the flashing of guns.
Q. Did you see any actual shots coming out of the C. I. O. headquarters?
A. Yes, sir.
Q. What part of the C. I. O. headquarters?
A. Out of the windows.
Q. What is that?
A. Out of the windows.
Q. The front windows?
A. The front and the side.
Q. You saw shots coming out of the front windows, is that correct?
A. I saw the flashing.
Q. The front windows of the C. I. O. headquarters?
A. Yes, sir.
Q. Had you ever driven by that C. I. O. headquarters?
A. Yes, sir.
Q. Do you know how many windows there are there?
A. I could not—there is one big one that I know of.
Q. Where is that?
A. In the front.
Q. On what side?
A. From the west side.
Q. What side?
A. The west side.

Q. The front of the building is on the north side, isn't it?

A. No, sir.

Q. This is the north side up here (indicating)?

A. Yes, sir.

Q. This is the south side down here (indicating)?

A. Yes, sir.

Q. The front of the building runs that way (indicating); is that correct?

A. Yes, sir. The front of the building is right on here (indicating), on Cleveland Avenue.

Q. Where is this building you say?

A. Right on Cleveland Avenue.

Q. Are there any doors to that building?

A. Yes.

Q. How many?

A. One.

Q. One door?

A. Yes, on the side of the C. I. O. Hall.

Q. How many doors are facing Cleveland Avenue?

A. One.

Q. One door?

A. Yes.

Q. How many windows would you say there are on the ground floor?

A. There was a doorway in the center that goes to the apartment house above where they live.

Q. Now, how many windows are there on the ground floor?

A. I can't answer that, about the number of windows.

Q. Do you know how many there are upstairs?

A. No.

Q. Can you tell where the flashes came from?

A. From out of the south side and the west side out of the big windows.

Q. Out of the south side?

A. Yes, sir.

Q. You mean this side (indicating)?

A. Yes, sir.

Q. The west side of the building on the front facing Cleveland Avenue?

A. Yes, sir.

Q. You could see them from down here (indicating)?

A. That is right.

Q. How many flashes did you see coming out of the windows?

A. I don't know.

Q. Do you know how many came out of the windows?

A. No, I don't know how many there were.

Q. Now, tell me, can you give me an approximation of how many you saw?

A. I don't know.

Q. You don't know whether it was 1 or 10 or 50?

A. No.

Q. Less than 50?

A. I can't tell you.

Q. Well now, was it less than 50?

A. I can't tell you.

Q. Can you tell me if it was less than 75?

A. I can't tell you.

Q. Or a hundred?

A. I can't tell you that.

Q. You have no idea?

A. I don't know, I can't tell you how many

Q. When did the shooting start coming out of the building?

A. About 11 o'clock.

Q. How long did you see flashes coming out of the building?

A. Well, I can't tell you how long it was.

Q. Could you tell whether it was an hour or a half an hou or an hour and a half?

A. Well, it was in a half hour when it was in that time.

Q. You say the shooting started at 11 o'clock?
A. It might have been a little before 11 or 11.
Q. Or a little after 11?
A. No, it wasn't a little after 11.
Q. You are sure it was 11 or before 11?
A. Yes, sir.
Q. What time did you work that night?
A. Until 3 to 11.
Q. What time did you quit?
A. 10:30.
Q. And this happened between 5 to 11 and 11 o'clock?
A. I wouldn't say 5 to 11.
Q. Was it 11 o'clock?
A. No.
Q. Was it 5 after 11?
A. Somewhere between a quarter to 11 and 11.
Q. That is when the shooting started?
A. Yes, sir.
Q. How long did the shooting continue?
A. Continued—oh, I should judge an hour.
Q. And during that hour you saw flashes coming out of the C. I. O. headquarters?
A. I did when it first started.
Q. How long did you see the flashes coming out of the C. I. O. headquarters?
A. I don't know.
Q. Do you know whether or not it was half an hour or an hour?
A. I don't know.
Q. You don't know how many shots you saw coming out and you don't know how long it kept coming out?
A. No.
Q. You were hiding behind your automobile?
A. Yes, and between the firing.
Q. What?
A. Between the firing.
Q. How long did you hide behind your car?

A. Well, we were standing back of the car from when it started until about a quarter to 2.

Q. Was it firing all the time?

A. No, not all the time.

Q. Were you standing or hiding in back of your car?

A. Standing.

Q. Did you hide at any time in back of your car?

A. No.

Q. Did you hear the police come by?

A. Yes, sir.

Q. Did you duck?

A. Sure.

Q. Back of your car?

A. Yes, sir.

Q. What is that?

A. Yes, sir.

Q. But you didn't consider that hiding in back of your car?

A. I just considered that ducking.

Q. Just ducking?

A. Yes, sir.

Q. Now, what shooting did you hear at that time?

A. I heard shots coming from the overhead bridge on Oberlin Road.

Q. Did you see any tear gas being fired?

A. Not over there.

Q. Did you see any on Cleveland Avenue?

A. I think it was tear gas, I couldn't say.

Q. Did you see the flashes?

A. Flashes from when it hit the building.

Q. When did you say they started?

A. What?

Q. When did you hear that start?

A. When the shots was coming down from the C. I. O. Hall.

Q. Did you hear the tear gas fired first or the shots?

A. The shots.

Q. The shots?

A. Yes.

Q. You have no idea how many shots came along there?

A. No, sir.

Q. Do you know how many tear gas shells or projectors you heard?

A. I seen two or three hit the building.

Q. About what time was it that they started shooting tear gas?

A. I couldn't tell you.

Q. Do you know if it was 11 o'clock or a quarter to 11?

A. I couldn't tell you.

Q. A quarter to 11?

A. I don't know.

Q. You don't know when they began to shoot tear gas projectors, is that correct?

A. No, it was after the shooting started.

Q. What?

A. It was after the shooting started.

Q. But you don't know whether it was 11 o'clock or a quarter to 11?

A. It was in between a quarter to 11 to 11.

Q. You do know when they started to shoot tear gas?

A. What?

Q. You know when they started to shoot tear gas?

A. I couldn't tell you the exact time. I don't know when they started to shoot tear gas.

Q. What?

A. I don't know when they started to shoot tear gas.

Q. You have no idea at all?

A. It was in—it was a little after 11 or 11.

Q. So it might have been before 11?

A. It was after the shooting came from the C. I. O. Hall.

Q. Might it be before 11?

A. No.

Q. Now you are fixing the time as after 11, is that right?

A. I would say around 11.

Q. Around 11?

A. Yes.

Q. You know that?

A. Yes, sir.

Q. How long did they keep shooting tear gas?

A. I don't know.

Q. You don't know whether it was an hour or two hours?

A. Well, it was stopped when we left.

Q. What time did you leave?

A. Around a quarter to 2.

Q. Was that tear gas fired in the direction of the mill?

A. No, sir.

Q. All in the direction of the C. I. O. headquarters?

A. Yes, sir.

Q. Now, from a quarter to 11 to a quarter to 2, were you near your car during all the time?

A. Yes, sir.

Q. Were you looking in the direction of the C. I. O. headquarters?

A. Yes, sir.

Q. And you saw shooting from 11 to 11:30 coming out?

A. Between a quarter of 11.

Q. To 11?

A. Yes.

Q. But you don't know whether you saw any shooting coming out after that?

A. No, sir.

Q. You don't know how many shots?

A. No, sir.

Q. It was pretty dark at that time?

A. What?

Q. It was pretty dark at that time while you were there?

A. After the light was out of there.

Q. The light where?

A. Across from the C. I. O. Hall.

Q. About what time did that light go out?

A. I don't know.

Q. Was it 11 o'clock or 12 o'clock or 1 o'clock?

A. I don't know.

Q. You have no idea?

A. It was out shortly after the fighting started.

Q. What was that?

A. It was out shortly after the fighting started.

Q. When did the fighting start?

A. Between a quarter to 11 and 11, I guess.

Q. It went out shortly after that?

A. Yes, sir.

Q. Within an hour?

A. Yes.

Q. What is that?

A. Yes.

Q. You are sure it went out within an hour?

A. Yes.

Q. Did it go out within a half an hour?

A. I don't know.

Q. Did you hear any cars drive up in front of the C. I. O. headquarters?

A. Yes, sir.

Q. How many cars did you hear drive up in front of the C. I. O. headquarters?

A. I couldn't tell you.

Q. Did you see any go away?

A. Yes, sir.

Q. Do you know how many went away?

A. I couldn't tell you.

Q. Were any cars parked there when the shooting started?

A. Yes, sir.

Q. Any idea how many?

A. No, sir.

Q. Did you see any police coming down Oberlin Road?

A. I couldn't tell whether it was police or who.

Q. Did you see any people coming down there?

A. No.

Q. What is that?

A. I seen machines coming down Oberlin Road.

Q. What time did you say you stopped work?

A. 10:30.

Q. You say you went to the No. 1 gate?

A. After I rung out.

Q. Do you remember what time you rang out?

A. No, I don't; I don't remember what time it was.

Q. The Republic police stopped you at the gate?

A. Yes, sir.

Q. What did they say to you when they stopped you?

A. Didn't say nothing to me. It was four or five cars back of me—I was four or five cars back.

Q. Did you have any conversation at all with the police that night?

A. No, sir.

Q. Did you have any conversation at all that night with those who were up in the first couple of cars?

A. No, sir.

Q. Who was in the car with you?

A. Glenn Paculate and Clem Hoyman.

Q. Did you hear any shooting before you were stopped by the Republic police?

A. No, I didn't.

Q. How soon after you were stopped did you hear shooting?

A. About a couple of minutes.

Q. How far was your car from the car in front of you when it stopped?

A. Four or five cars behind me.

Q. How far were you from the car to—directly in front of you? How far were you from the car in front of you when it was stopped?

A. How far?

Q. That is right.

A. Oh, about two feet.

Q. Were you in the car when you heard the first shots?

A. No.

Q. You had gotten out of the car?

A. Yes, I got out of the car.

Q. Where were you standing when you heard the first shot?

A. Alongside of the machine.

Q. Which side?

A. The east side.

Q. Right side of your car?

A. Yes, sir.

MR. LAUTER: That is all.

Redirect Examination

Q. (By Mr. Day) Did you keep time on these various things with a watch that night?

A. No, sir.

Q. You are just giving us your best recollection?

A. Yes, sir.

MR. DAY: That is all.

MR. LAUTER: That is all.

(Witness excused.)

Afternoon Session

(Whereupon, at 1:15 p. m. the hearing was resumed and the following proceedings were had:)

TRIAL EXAMINER LINDSAY: The hearing is called to order.

(Thereupon the Reporter continued to read the testimony of the witness Orin Pauli.)

MR. DAY: I was to ask a question or two.

ORIN PAULI

having been previously duly sworn, resumed the stand and testified as follows:

Redirect Examination

Q. (By Mr. Day) I asked you about the gate at which you went out, and I think you indicated the gate over here where it says "Gatehouse," is that right?

A. Yes.

Q. Now, is that the No. 1 gate entrance or the No. 2 entrance?

A. That is the main entrance.

MR. DAY: Now, I want to state, Mr. Examiner, I described that as the No. 1 gate. I have found out since that this is the main gate, it is not the No. 1 gate. I want to correct that. I think the No. 1 gate is up here and the main or No. 2 gate is there (indicating).

THE WITNESS: I don't know what the numbers are.

Q. (By Mr. Day) But you went out the main gate?

A. The main gate.

Q. Was there anybody else with you besides the men you have named?

A. No, sir.

Q. Do you know a man named Akey?

A. Yes, sir.

Q. Was he with you?

A. He came up after we stopped.

Q. He was not in your car?

A. He was not in our car.

Q. Now, the shots that you said you heard coming—saw the flashes—by the way, did you see any shots or did you just see flashes?

A. I just seen flashes.

Q. And when you were talking about shots or tear gas, you meant flashes, is that right?

TRIAL EXAMINER LINDSAY: Oh, now, let him testify.

Q. (By Mr. Day) Well, did you see shots or did you see flashes?

A. I seen flashes, and the minute you would see the flash you would hear the roar.

Q. And these bullets—these flashes that you saw coming from the CIO Hall, state whether or not you saw them at the beginning of the shooting?

A. At the beginning.

MR. DAY: I think that is all.

MR. LAUTER: Will you read that question and answer?

(Thereupon the following question and answer was read by the Reporter:

"Q. What did you do about 11 o'clock?

"A. Oh, we drove up to the entrance. There they stopped us. They had started to shoot."

Recross Examination

Q. (By Mr. Lauter) Now, is that correct?

A. No, sir.

Q. That statement is not correct?

A. We drove up to the entrance—

Q. Just one second, is that statement correct?

A. I was out of the machine when they started to shoot.

Q. Is that statement correct?

A. Not the way it is down there.

Q. But that is what you said, didn't you?

A. Right there?

Q. That is right.

A. We drove up to the entrance—

Q. Is that statement the statement you made on direct examination?

A. That there one.

Q. Yes. Now you want to change it, is that right?

A. Why, I wasn't in the machine.

Q. Do you want to change it now?

MR. DAY: I think he ought to have a chance to answer the question.

TRIAL EXAMINER LINDSAY: I think he ought to answer that question yes or no.

Q. Do you want to change the testimony now?

A. No.

Q. Is that statement correct there?

A. No.

Q. That statement is not correct?

A. No.

Q. Do you want to change it?

A. I was out of the machine.

Q. Do you want to change that statement?

A. Yes.

Q. Did you testify on cross examination that you were not in the machine when the shots were fired?

A. I was not.

Q. And that is in contradiction to that statement there, isn't it, in the direct examination, isn't that correct?

A. I guess so.

MR. LAUTER: If you please, Mr. Examiner, I want to make a formal recommendation to the Board at this time that an action in perjury be commenced against this witness.

TRIAL EXAMINER LINDSAY: Well, I will

take that under advisement. You understand an oath, don't you?

THE WITNESS: Not very good.

TRIAL EXAMINER LINDSAY: What is your interpretation of an oath?

THE WITNESS: Well, you are supposed to tell the truth.

TRIAL EXAMINER LINDSAY: And what would happen if you don't tell the truth?

THE WITNESS: I don't know. That there statement, I drove up to the gates there—

TRIAL EXAMINER LINDSAY: Now just—you don't know what would happen if you don't tell the truth?

THE WITNESS: No.

TRIAL EXAMINER LINDSAY: Is that right?

THE WITNESS: No.

TRIAL EXAMINER LINDSAY: That is all.

MR. DAY: Read the question in direct examination.

(Thereupon the following question and answer was read by the Reporter):

"Q. What did you do about 11 o'clock?

"A. We drove up to the entrance. There they stopped us. They had started to shoot."

Redirect Examination

O. (By Mr. Day) Well, now at the time that—what did you mean by that answer?

MR. LAUTER: I object to the form of the question.

MR. DAY: I think that is fair, under all of the circumstances.

MR. LAUTER: I do not think that the witness may testify as to what he meant.

MR. DAY: Well, I know, but—

TRIAL EXAMINER LINDSAY: Well, I do not think that is a proper question, Mr. Day. If this man has given some wrong testimony, you surely would not want to back him up on it.

MR. DAY: I am not trying to back him up on it.

TRIAL EXAMINER LINDSAY: No, I understand.

MR. DAY: He said one thing in direct examination; he said another thing in cross examination. Now I think it is fair to ask him whether or not—what he meant to say, by that.

MR. LAUTER: I think what he said is what counts, not what he meant to say, reasons for it.

TRIAL EXAMINER LINDSAY: Yes, he said he wanted to change that testimony, Mr. Day. I do not think that is a proper question to ask him.

MR. DAY: Well, in view of the recommendation or the suggestion that is made, here, I think that a man ought to have a chance to explain his testimony. He has testified one way on cross examination and another way in direct examination.

TRIAL EXAMINER LINDSAY: This is off the record .

MR. DAY: Yes.

(Discussion held off the record.)

(Witness excused.)

HOWARD SCOTT

witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Pontius) What is your name?

A. Howard Scott.

Q. Where do you live?

A. Massillon, route No. 1.

Q. Where do you work?

A. Republic Steel in Massillon.

Q. How long have you worked for Republic Steel?

A. A little over a year now.

Q. In what division of Republic Steel are you employed?

A. Sheet pickler.

Q. Sheet pickler? Do you remember the night of July 11th, Mr. Scott?

A. Yes.

Q. Where were you that night?

A. Getting ready to work at 11 o'clock.

Q. We don't hear, talk up so we can hear you.

A. Getting ready to work about 11 o'clock that evening.

Q. In what department were you getting ready to work?

A. Sheet pickling department.

Q. And where is that department located?

A. South of the Oberlin Road.

Q. I call your attention to this plat, Respondent's Exhibit No. 1, and ask you to look at it, and assuming that this is Oberlin Road here, and here is the viaduct and South Erie Street, where is the building? Were you working inside of a building?

A. Yes.

Q. Where is that building located?

A. Right in here (indicating).

Q. That is on the south side of Oberlin Road?

A. Yes.

Q. And do you know where No. 1 gate and No. 2 gates are, to that plant?

A. No, I never did know them by the numbers.

Q. Do you know where the main entrance is?

A. Yes.

Q. Which way from the main entrance is the building that you were in?

A. East.

Q. Between that and the entrance to the east, is that right?

A. Yes.

Q. Now, are you familiar with the lay of the land between there and the C. I. O. Hall?

A. Yes.

Q. What is the condition of the land there between that and the C. I. O. Hall?

A. No buildings excepting the one house between Oberlin Road and the C. I. O. Hall.

TRIAL EXAMINER LINDSAY: Will you talk a little louder?

A. No buildings between Oberlin Road and the C. I. O. Hall excepting one house.

Q. And do you know where that house is located?

A. South of the C. I. O. Hall.

Q. About how near to the C. I. O. Hall?

A. Well, that I can't say; I don't know.

Q. Do you know whether or not from the building where you are or where you were that night you could see to the C. I. O. Hall or any part of it?

A. Yes.

Q. What can you see?

A. I can see the front; I mean the southwest corner of the front of the building, and then the majority of the back of it.

TRIAL EXAMINER LINDSAY: Will you read that answer?

(The last answer was read.)

Q. In respect to the street in front of the C. I. O. headquarters, how about seeing that down there?

A. Well, I can see the majority of the street out to the C. I. O. headquarters.

Q. Now, did anything attract your attention there that night?

A. Not until my crane man didn't respond to the signals.

Q. Your crane man didn't respond to the signals?

A. Yes, sir.

Q. Just describe to the Trial Examiner what a crane man's way of doing work is.

A. I had listed the pack carrier and I was going to set it down and I gave the signal man a signal to lower it; he didn't move and I wondered what was wrong.

Q. What was he doing at that time, to your knowledge?

A. Well, as far as I know—

TRIAL EXAMINER LINDSAY: Not as far as you know. Either you know it or you don't know it.

Q. Just describe what he was doing at that time.

A. Well, he was looking out of the windows.

Q. On which side of the building was that window?

A. On the east side.

Q. Then what followed that, did you observe? Did you have a conversation with him?

A. No.

Q. You didn't have a conversation with him? Not what you said? Did you have a conversation?

A. No.

Q. What followed after that?

A. Well, I lifted up the window myself then and saw what was going on.

Q. Now, where was this on—

TRIAL EXAMINER LINDSAY: Just a moment. "Saw what was going on" is stricken from the record.

MR. PONTIUS: Yes.

Q. Where was the window that you looked out? What side of the building?

A. To the north side—

Q. The building that you were in?

A. The north side.

Q. Where were you at that time; on the surface of the floor of the building or up higher?

A. On the floor.

Q. Now, what if anything did you observe as you looked out of the window?

A. Well, I didn't see anything right then.

Q. Well, what followed after that?

A. I was starting on my work again and then I heard some shooting over there.

Q. Then what did you hear following the shooting, if anything?

A. Well, nothing more than the shooting.

Q. Now, did you see anything more than that shooting then?

A. Yes.

Q. What did you see?

A. Well, it was off and on for half to three-quarters of an hour that there was shooting going on.

Q. Could you tell where that shooting took place?

A. Well, by the way it looked from where I was, it was around the C. I. O. headquarters.

Q. Now, did you hear anything following that?

A. In what turn do you mean, may I ask?

Q. What?

A. What do you mean? In what form?

Q. Well, I can't testify. Is that all you know about this?

A. That is all I know about the shooting from there, yes.

Q. At any time that afternoon or evening, did you hear anything further than you have told?

A. Well, only that we took it for granted--

TRIAL EXAMINER LINDSAY: Now, just a moment.

MR. PONTIUS: Not what you took for granted. What did you see?

TRIAL EXAMINER LINDSAY: Strike that out of the record.

THE WITNESS: Will you read that question again?

TRIAL EXAMINER LINDSAY: Read the question for him.

(The last question was read.)

A. No.

MR. PONTIUS: That is all.

Cross Examination

Q. (By Mr. Lauter) Now, what is the name of the building you worked in?

A. The sheet pickler.

Q. How close is that to the main gate?

A. About five or six hundred feet.

Q. Is that east or west?

A. East.

Q. Is that about the right of the gate house? That is to the east of the gate house?

A. Yes.

MR. LAUTER: That is all.

MR. PONTIUS: That is all.

(Witness excused.)

RALPH SCOTT

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Pontius) You are Mr. Ralph Scott?

A. Yes, sir.

Q. Where do you live, Mr. Scott?

A. 1610 Tremont Avenue, Massillon.

Q. You are an employee of the Republic Steel?

A. I am.

Q. How long have you worked for the Company?

A. 11 years.

Q. In what department?

A. Chief pickling.

Q. Now, do you know where you were on the evening and night of July 11th last?

A. I went to work on the 11 o'clock turn.

Q. What time did you go to work that night?

A. 20 minutes after 10 when I rang in.

Q. Was there a system there that you rang in and out of that plant?

A. Yes, sir.

Q. What sort of a system is it?

A. It is a card system; you ring a clock.

Q. Why do you refer to it as going on the 11 o'clock turn?

A. Well, it was a Sunday night and it was my turn to start it up.

Q. What do you mean by that?

A. Well, the building—the pickling had not worked from Saturday night at 11 o'clock until Sunday night when I started it up.

Q. Your department was open on Sunday night?

A. Yes, sir, it was down.

Q. Now, you rang in at 10:20?

A. Yes, sir.

Q. Following that, what did you do?

A. Well, I had my work; my regular work in getting the acid solution ready to go ahead with my pickling work.

Q. Now, where were you engaged in working? What building?

A. The building to the extreme north of the Republic Steel.

Q. Where is that building situated?

A. Extreme north of the Republic Steel. The first building south of Oberlin Road.

Q. Do you know where the C. I. O. headquarters were at that time?

A. I do.

Q. What is the surroundings there between that building in which you worked and the C. I. O. headquarters?

A. There is nothing of anything that you can see excepting a small house right next to the C. I. O. headquarters.

Q. What part of the C. I. O. headquarters could you see from this building in which you were working?

A. You could see the front of the rear of it.

Q. Now, what if anything did you first notice that evening?

A. The first I noticed was one of the men called my attention to a large crowd at the C. I. O. Hall.

Q. Were there any lights up around there?

A. There was, yes.

Q. What kind of lighting was there?

A. Street lights and those buildings.

Q. Now, had you prior to that day observed the crowd up there?

A. Yes.

TRIAL EXAMINER: Will you fix the time?

MR. PONTIUS: Yes, I will do it.

Q. About what time did you look up there at that hall?

A. A few minutes before 11.

Q. Have you a definite way of fixing the time?

A. No, I haven't.

Q. How do you fix it as a few minutes before 11?

A. Possibly 5 or 10 minutes before.

TRIAL EXAMINER LINDSAY: Listen to his question.

Q. How do you fix it at that time? What makes you fix it at that time of night?

A. Well, that was the time the man called my attention to the crowd there.

Q. Now, what compelled—as compared with other occasions how was this crowd in size?

A. Much larger.

Q. Go forward and tell what you observed. What happened after that?

A. Well, shortly after that I heard shooting over there and I went to call my foreman, to tell him the situation, and when I was calling him one of my men came and said there was bullets coming against the building and through the open windows.

Q. Then what did you do?

A. The foreman said I should call the Police Department at the Republic Steel, which I did, and he told me to take my men out of the building.

Q. Now, did you hear anything there further that night?

A. I heard two shots hit the roof of the building.

Q. Anything further that you heard?

A. No, there wasn't; that was all I heard. Outside of the shooting that was going on after that from in front of the C. I. O. Hall.

Q. Now, at any time did you discover anything there at the building?

A. I did.

Q. And when was that?

A. The following night.

Q. What did you find there in the building?

A. I found a bullet in the building.

Q. Where did you find that?

A. I found that between the back—between two layers of iron it was.

Q. What windows are there on that building to the north that you were working on?

A. Well, there is quite a few windows all along the

front of the building. It has two windows all along the front of it.

Q. By the front you mean the east side of the building?

A. By the north of the building.

Q. You say you found this bullet in a pile of what?

A. Steel, sheet steel.

Q. Where was that pile located in the building?

A. Sitting along the north wall, second bay of windows from the east side of the building, along the north wall.

Q. Have you got that bullet?

A. I have.

Q. Let me see it.

A. (Witness produces bullet.)

(The bullet above referred to was marked as Respondent's Exhibit No. 9 for identification.)

Q. Handing you this exhibit, Respondent's Exhibit No. 9, I will ask you if that is the bullet you picked up?

A. Yes, sir.

Q. That you have told about?

MR. PONTIUS: We offer that in evidence.

MR. LAUTER: Object on the ground incompetent, irrelevant and immaterial; on the further ground it is not connected up with any party to this case.

TRIAL EXAMINER LINDSAY: I think at this time I will sustain that objection. Let the record show an exception.

MR. PONTIUS: Exception.

TRIAL EXAMINER LINDSAY: May I see that bullet?

Q. Now you say this sheet—these—this pile of sheets was piled up. How were they piled up?

A. They were piled up in what we call lifts. There was four or five lifts piled one on top of the other, separated by four by four's.

Q. And how close to the north side of that building was this pile of sheet?

A. Approximately 18 inches from the window.

Q. The window, on which side of the building?

A. North window.

Q. And where in this pile did you find this bullet?

A. I found the bullet between the top and the next lift.

Q. By lift what do you mean?

A. Well, two stacks of iron, they piled them together anywheres from 18 to 20 inches in height.

Q. And what is between the piles?

A. Four by four's.

Q. That is wood four by four's?

A. Yes, sir.

Q. Where did you find this bullet?

A. In the center of the two lifts which was held apart by four by four's.

Q. I mean as to the lift?

A. It was between the two lifts of iron, laying on top of the second lift.

Q. Now, from its location there, where was it with respect to any window on the north side of that building?

A. The iron, you mean?

Q. No, the bullet?

A. Well, it evidently came in the north window and went between the two lifts of iron.

Q. How high a building is this that you were working in there?

A. To the comb of the roof it was 80 feet or better.

Q. This sheet iron, where is that piled?

A. On the floor, along the north wall.

Q. Where is this window with respect to that pile that you have referred to?

A. The window is in the north wall about five feet off the floor.

Q. How large a window is that?

A. It is quite large. I couldn't say how large it really was.

Q. About how large?

A. Probably 15 feet square.

Q. Now, do you know whether or not that window was open that night?

A. It was open.

Q. That was the night when you heard this shooting?

A. Yes, sir.

Q. Had you ever, prior to that time, found any bullets in that building?

A. No, sir.

Q. Had you ever seen a bullet in there?

A. No, sir.

Q. How long had that sheeting been piled there?

A. I don't know, it was piled there the week before, sometime.

Q. Well—

MR. LAUTER: Please, just one second. I want to object to any further testimony with respect to the finding of the bullet and move to strike any testimony with respect thereto, including the testimony as to whether or not this witness happened to find or did not happen to find a bullet in the building at any time previous to July 11, on the ground incompetent, irrelevant and immaterial.

TRIAL EXAMINER LINDSAY: Yes, I can't see where it has anything to do with the lawsuit. I will sustain that.

MR. PONTIUS: Exception.

TRIAL EXAMINER LINDSAY: I am granting the motion that testimony relative to the bullet is stricken from the record, let the record show an exception.

MR. PONTIUS: We again renew our offer to in-

troduce in this record Respondent's Exhibit 9, the bullet.

MR. LAUTER: I object to the offer.

TRIAL EXAMINER LINDSAY: Respondent's Exhibit No. 9 is not received in evidence.

MR. PONTIUS: Exception.

TRIAL EXAMINER LINDSAY: Let the record show an exception.

MR. PONTIUS: I believe that is all.

Cross Examination

Q. (By Mr. Lauter) Are you related to Howard tt?

A. I am; brother.

Q. You work in the same department?

A. Yes, sir.

Q. You worked together that night?

A. Yes, sir.

Q. That was the night of July 11th?

A. It was.

Q. Did you have any conversations with him that ht?

A. Yes.

Q. When did you start to speak to him the first time?

A. The first I rode to work with him that night.

Q. Well, did you expect trouble that night?

A. No, I didn't.

Q. Did you have any conversation with him in the l?

A. With my brother?

Q. That is right.

A. Yes, sir, I instructed him as to what he should do.

Q. Are you a foreman in the mill?

A. I am.

Q. How many men work under you?

A. 15.

Q. Have you seen any of the Back-to-Work petitions that have been signed by men in the plant?

MR. PONTIUS: The same objection, not proper cross examination.

TRIAL EXAMINER LINDSAY: Objection overruled, let the record show an exception.

MR. PONTIUS: Exception.

Q. Will you answer that question?

A. What was that question?

(The question was read by the Reporter.)

A. No, sir.

Q. Did you hear that they were being circulated?

A. I heard that.

Q. Did any of the men in your department sign it?

A. No, not to my knowledge.

Q. Did you call any men to go back to work?

A. No, sir.

Q. When the strike came, did you stay in the plant?

A. No, sir.

Q. When did you return to work?

A. July 2nd.

Q. Did the men in your department return the same day?

A. Some of them.

Q. Did you have any conversation with them prior to their returning?

A. No, sir.

Q. How high did you say the building is in which you work? The room of the building?

A. Approximately 80 feet.

Q. Is that a straight room or a curved room?

A. It is not straight, it slants from the comb down.

Q. From the comb down?

A. Yes, sir.

Q. What kind of material is it made of, do you know?

A. Brick. The roof was sheet metal.

Q. How far is that building from the edge of the plant property in the direction of the CIO headquarters?

A. 30 or 40 feet.

Q. How far is it to CIO headquarters to that building?

A. Possibly 300 yards.

Q. And you say you heard two shots hit the roof?

A. I did.

Q. Are you sure they were shots?

A. I don't think anyone would throw stones up there.

Q. Well, how do you know they didn't throw stones up there?

A. Sir?

Q. I say, you are sure they were not stones?

A. I couldn't be sure about it, no.

Q. You testified in direct examination that two bullets hit the room?

A. Yes, sir.

Q. Now you say you couldn't be sure of it?

A. No, I couldn't be sure they were bullets, but what else could they have been?

Q. I am not here to answer questions, you are. But you are not sure they were bullets, is that right?

A. My knowledge—

Q. Is that what you just told me, you were not sure they were bullets?

MR. PONTIUS: Let him answer.

A. Yes, I said that.

Q. What is that?

A. Yes, I said that.

Q. You testified about some bullets coming through an open window, is that correct?

A. Yes, sir.

Q. Did you see any bullets come through?

A. No, I didn't see none come through.

Q. Did someone tell you that they had come through?

A. Yes, sir.

Q. Who told you?

A. One of my men.

Q. What is his name?

A. Richard Watkins.

Q. Did your brother tell you anything about bullets coming through the window?

A. No, sir.

Q. Did you have any conversation with him after 11 o'clock in the mill?

A. Yes, sir.

Q. State the substance of that conversation?

A. I probably instructed him—

Q. I am not interested in what you probably instructed him. Just tell the conversation.

A. I instructed him as to the work that he was supposed to do.

Q. Yes.

A. All at the present time that I did.

Q. What is that?

A. That is all that I instructed him to do, at the present time. You start up a turn, you have—each man under me has so much work to carry out, which he does.

Q. Did you talk to him about the shooting?

A. Sir?

Q. Did you talk to your brother about the shooting?

A. No, sir.

Q. Did he speak to you about it?

A. No, sir.

Q. Did you tell him that you had seen a large crowd?

A. Yes, sir.

Q. About what time did you tell him that?

A. About a little before 11 o'clock.

Q. How large a crowd did you see there?

A. Several hundred people.

Q. Can you give me an idea of how many hundred?

A. No, sir.

Q. Will you say that it was three, four, five, six, seven or eight?

A. I couldn't say that, I didn't look at it that long.

Q. Did you look at it long enough to see that it was a larger crowd than usual?

A. Yes, sir.

Q. When was the last time prior to July 11th that you looked out at the crowd?

A. Possibly Saturday night on the 3 to 11 turn.

Q. Was it as large a crowd that night?

A. No larger than usual.

Q. What is that?

A. The crowd was no larger that night than any other night.

Q. Was it about as large as Sunday night?

A. No.

Q. How much smaller was it?

A. A good deal smaller.

Q. Can you give me an idea in the terms of number of people present?

A. No, sir.

Q. Have you ever looked—What was the first time before Saturday night or prior to Saturday night that you looked at the crowd?

A. Possibly every turn I worked.

Q. You looked out at it whenever you came to work?

A. Yes.

Q. Did you look out at it the previous Sunday?

A. I don't know.

Q. Well, you say you looked at it every turn you worked. Do you remember?

A. I can't recall whether I worked the previous Sunday or not.

Q. Have you ever looked at it on a Sunday night prior to July 11th?

A. I don't know.

Q. Have you heard that the crowds were usually larger there on Saturday nights?

A. No, sir.

Q. You don't know that?

A. No, sir.

Q. You don't remember whether or not you ever saw it on Sunday night?

A. No, sir, I don't.

Q. You have no basis of comparison, then, between July 11th and any other Sunday, is that correct?

A. That is right.

Q. Now, about what time was it that you looked out and saw the crowd?

A. Well, between 11:15 and 11:00 o'clock.

Q. About what time did you call the police, the Republic police?

A. I never called the public police.

Q. Who called them?

A. I don't know.

MR. PONTIUS: Pardon me. He didn't understand that, I don't believe.

Q. Did you call the Republic police?

A. Oh, yes, I did.

Q. What time did you call them?

A. About five minutes after 11:00.

Q. And the reason that you called them was because you heard some shots on the roof?

A. Yes, sir.

Q. Who responded to your call?

A. I don't know.

Q. How many policemen came?

A. There is only one came in the building.

Q. Did he immediately order you out of the building?

A. No, sir, I had already sent the men out.

Q. What time did you say he came?

A. Between 11:15 and 11:30.

Q. Between 11:15 and 11:30? What happened?

A. He came and said the men should use their own judgment about going back into the building to work that night.

Q. What time had you sent them out?

A. At 11 o'clock or a few minutes later.

Q. What time had you looked out at the crowd?

A. Between 11:15 and 11 o'clock.

Q. When you looked out at 10:45 or 11:00 did you see any shooting at that time?

A. Yes. A few minutes before 11:00, when they first started some shooting.

Q. How long did you look out of the window?

A. Well, I looked out quite a few times between—in those 15 minutes.

Q. And did you hear the first guns that were fired?

A. I don't know.

Q. Did you see any tear gas being fired?

A. Yes.

Q. In what direction was the tear gas being fired?

A. What looked to be tear gas to me was fired north.

Q. That is in the direction of CIO headquarters?

A. Yes, sir.

Q. Did you have the conversation over the telephone with one of the mill policemen?

A. I did.

Q. Do you know who that conversation was with?

A. No, sir.

Q. What was the substance of that conversation?

A. About the bullets hitting the building and coming through the window.

Q. What did the policeman say?

A. He told me to take his men into clear until he came down and talked to me.

Q. At that time did your brother leave with you?

A. He did.

Q. What time was that, did you say?

A. A few minutes past 11:00.

Q. How much of the time between 10:45 and 11:05 or a few minutes after 11:00 did your brother spend with you?

A. We were all in the building together.

Q. How far away from you was he during that time?

A. Probably the length of the building at different times.

Q. Did he look out of the building also?

A. I couldn't say.

Q. You didn't see him?

A. No, sir.

Q. You had no conversations with him during that time except to give him instructions?

A. That is all.

MR. LAUTER: That's all.

MR. PONTIUS: That's all.

(Witness excused.)

RICHARD WATKINS

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Pontius) Please state your name.

A. Richard Watkins.

Q. Where do you live?

A. 57 Third Street S. W.

Q. Where? What town?

A. Massillon.

Q. How long have you lived in Massillon?

A. Three years now.

Q. Where do you work?

A. Central Steel.
Q. In what department?
A. Pickling sheet.
Q. And who was your foreman there?
A. My foreman is Ray Henry.
Q. Do you know this Mr. Scott who just testified here?
A. I do. He is my turn foreman.
Q. What?
A. He is my turn foreman.
Q. He is your turn foreman? Now, were you at work on that night? Were you at the plant of Republic Steel on the night of July 11th?
A. At night?
Q. Yes.
A. Yes, I was.
Q. What?
A. Yes, I was.
Q. In what department were you working?
A. Sheet pickling.
Q. Do you know what time you went to work that night?
A. I do.
Q. What time was it?
A. About 10:30 when I ring in.
Q. And after you rang in, where did you go?
A. I went and got ready to go to work.
Q. When you got ready to go to work, what did you do?
A. I work on the pickler.
Q. What?
A. I work on the pickler.
Q. Work on the pickler?
A. Yes.
Q. But to get ready to work what did you do, after you rang in?

A. I rang in, and got ready to work.

Q. Got ready to work?

A. Yes, sir.

Q. I see. Well, now, where is the building located in which you were working that night, with respect to Oberlin Road?

A. It was located in Oberlin Road, is right.

Q. Do you know where CIO headquarters was at that time?

A. I do.

Q. Where? What direction was CIO headquarters from where you are working?

A. North.

Q. Do you know whether you could see from the building in which you were working—could you see CIO headquarters?

A. Yes, I could.

Q. Now, what part of CIO headquarters could you see?

A. I could see the front and the rear from where we were working.

Q. Did anything take place there that night?

A. It did.

Q. What was the first thing you noticed?

A. I beg your pardon, not on the 9th this is that—

Q. What?

A. This was the 11th, not the 9th.

MR. LAUTER: "July 11th, not the 9th."

THE WITNESS: O. k.

Q. I beg your pardon, I made a mistake, I guess. July 11th?

A. Yes.

Q. I see. What was the first thing you observed?

A. The first thing I observed?

Q. That you saw?

A. Well, the first thing I saw after we started to

work, we started to work 10:45 and I goes and gets a drink of water and the first thing I noticed, I didn't notice it but I heard a shot, you see, and I goes to the window, to look out the window, and I saw flashes from guns but now who was firing the shots I don't know.

Q. Yes, I understand.

A. After a bullet hit the pickling department, inside the pickling department, I don't know whether inside or the roof, but I know one thing—

Q. Don't talk so fast, take your time.

(The last answer read by the Reporter.)

THE WITNESS: O. k.

Q. Just tell what you observed there.

A. We all ran up and went into the needle (annealing) department, we all ran up into the needle (annealing) department.

Q. State whether or not there were any windows on the north side of the building?

A. Yes, there is quite a few.

Q. What size of windows were there?

A. What size?

Q. Yes.

A. I don't exactly know the size of the windows.

Q. Are they large or small or how are they?

A. Well, I guess about—I would say a medium size windows.

Q. Do you know whether they were open or closed?

A. Some were closed, some were open. Not all closed.

Q. All of them?

A. Not all of them.

Q. What else if anything did you observe there?

A. Well, I wasn't there very much then; I couldn't tell you very much what happened there.

Q. Then where did you go, Mr. Watkins?

A. In the needle department.

Q. Where?

A. In the needle department.
Q. The needle department?
A. Yes.
Q. Where is that with respect to the place where you were in?
A. That is just south of the sheet pickling department.
Q. South?
A. Yes, south of the sheet pickling department.
Q. Did you hear anything else there before you left that room that you have told about?
A. What?
Q. Did you hear anything else before you left the pickling department?
A. All I could hear was shooting.
Q. What?
A. All I could hear was shooting, yes, sir.
Q. Did you hear anything there in your room?
A. No, I didn't hear anything there.
Q. You didn't?
A. No.
MR. PONTIUS: I think that is all.

Cross Examination

Q. (By Mr. Lauter) Did you hear Mr. Ralph Scott testify here?
A. Who?
Q. Ralph Scott.
A. Ralph Scott?
Q. Yes.
A. Yes.
Q. The man just before you?
A. Yes.
Q. He is your turn foreman?
A. Yes.

Q. Did you say that you heard two shots?

A. I don't know how many shots I heard. I didn't tell you that, how many shots I heard. I told you I heard a shot and a bullet hit the pickling department. I don't know how many hit because I didn't take time to find out.

Q. You say a shot?

A. Yes, sir, a shot.

Q. A shot?

A. Yes, sir.

Q. What—that was one shot?

A. That is all I heard hit the pickling. How many more, I don't know, because I wasn't there.

Q. Where did it hit the pickling department?

A. Where?

Q. That is right.

A. I don't know where it hit the pickling department but it hit the pickling department. I don't know whether it hit the roof or inside or what.

Q. You don't know whether it was a shot, do you?

A. Yes, I know it was a shot. You see--

Q. What is that?

A. Yes, I know it was a shot.

Q. You are sure it wasn't a rock or a stone?

A. Yes.

Q. You are sure of that?

A. Quite sure it was a shot.

Q. Do you know where the shot came from?

A. I don't know.

Q. Do you know who fired it?

A. I don't.

Q. Do you know how long it is from the building to the edge of the property?

A. From the building where?

Q. Yes, from the building to the edge of the property?

A. No, not exactly, I don't.

Q. Well, approximately?
A. Approximately?
Q. Yes.
A. The building to what property?
Q. The Republic Steel property.
A. From the building to where I worked?
Q. From the edge of it facing the C. I. O. headquarters?
A. Well now, I don't know how much property they got there. They is all in the road.
Q. How far is it to Oberlin Road?
A. How far?
Q. Yes.
A. About 12 feet from the building; maybe some place not that far.
Q. Did you look out of the window and see the shooting?
A. I did.
Q. From the time you looked out of the window to Oberlin Road how far is it from there?
A. How far from where?
Q. From where you looked?
A. That is on the first street?
Q. How many feet is it?
A. 14 or 15 feet; maybe not that far.
Q. How far is it to the C. I. O. headquarters?
A. I guess about a good ways from where we was working.
Q. Do you know what kind of material the roof of these pickling departments are made of?
A. I don't know what kind of metal—it is sheet or tin.
Q. What time did you ring in?
A. 10:30.
Q. What time did you start to work there?
A. 10:45.

Q. What time did you leave the pickling department?

A. What time?

Q. Yes.

A. Around 11 o'clock when the bullet hit the pickling department; around 11 o'clock.

Q. Did anybody else hear the shooting?

A. What?

Q. Did anybody else hear the shooting or hear the shots hit the pickling department?

A. I guess we all heard it.

Q. Did you tell Mr. Ralph Scott that you heard it?

A. Yes, sir.

Q. You told him it was one shot?

A. I told him it was one shot; that is all I heard.

Q. Did he tell you what he heard?

A. What?

Q. Did you have any conversation with Mr. Ralph Scott?

A. Yes.

Q. What did he say to you?

A. What did he say to me?

Q. Yes.

A. He didn't say very much to me because he was calling up his home and I didn't want to bother with him in any conversation. He was talking over the phone.

Q. Did you have a conversation with Mr. Scott?

A. Did I?

Q. Yes, sir.

A. Yes, I did.

Q. What was the conversation?

A. What was it?

Q. Yes.

A. About the shot.

Q. What did he say to you?

A. I saw the shot hit the pickling department.

Q. What did he say to you?
A. I can't remember.
Q. What is that?
A. I can't remember.
Q. You can't remember?
A. No.
Q. How long did he speak to you?
A. How long?
Q. Yes.
A. A couple of minutes.
Q. You can't remember a single word he said in a couple of minutes conversation?
A. He didn't say a single word.
Q. Didn't talk to you?
A. He talked to me.
Q. What did he say?
A. That I can't remember.
Q. Do you mean to say you can't remember a single word?
A. No, I can't remember not what he told me that night.
Q. Did you say anything about shots being fired?
A. That I can't remember.
Q. Did he say anything about shots being fired?
A. Oh, I told him but I can't remember what he said. I told him about shots being fired.
Q. But you can't remember whether he told you about shots being fired?
A. No.
Q. Did you have any conversation with Howard Scott?
A. Howard Scott?
Q. Yes. Mr. Ralph Scott's brother?
A. No.
Q. Do you know him?
A. Yes.

Q. Was he working there that night?

A. Yes, sir.

Q. How many men were working there in the pickling department?

A. How many men?

Q. Yes, how many men were working in the pickling department that evening?

A. I don't understand.

Q. How many men were working there in the pickling department about 11 o'clock.

A. Let me see; about 17 men.

Q. Did you have any conversation with any of the other 17 men?

A. No, only ordinary.

Q. When you heard the shot you say all the other men must have heard it, too?

A. Sure.

Q. What did they do?

A. We all ran out.

Q. You all ran out?

A. Yes.

Q. Did you run out before you had the conversation with Mr. Scott or before?

A. Before.

Q. You ran out first?

A. Yes.

Q. Where did you go?

A. To the needle department; in the office to the south end and then told him about it.

Q. Did you hear him make a telephone call to a policeman?

A. No, I didn't hear him. I was looking at him when he called.

Q. How large a room is the pickling department?

A. How large?

Q. Yes, how large a room?

A. How long?

Q. How large?

A. I can't exactly say because I don't know.

Q. Is it a square room or an oblong room?

A. It is a long room; it is not so much of square; it is more long than square.

Q. About how many windows are there on the north side of the building?

A. That I can't say. I didn't count them; there are lots of them.

Q. Did you see some sheet steel piled up there outside the windows?

A. Yes.

Q. How far from the windows was the sheet steel piled up?

A. Some two and some three feet from the windows.

Q. Three feet was the greatest distance from the windows?

A. From the windows?

Q. From the window.

A. It all depends on how far you pile that stuff back.

Q. I am asking you whether on July 11th three feet was the greatest distance that sheet steel was piled from the window.

A. Yes.

Q. Did you happen to go over there and look at it?

A. Look at the steel?

Q. Yes.

A. That wasn't my job to look at it.

Q. What?

A. That wasn't my job to look at the steel.

Q. But you know what the distance was that night?

A. What?

Q. You know what the distance was that night?

A. I know the distance.

Q. Did you sign a Back-to-Work petition.

A. Yes.

Q. Where did you sign it?

A. I just don't remember it now; I don't want to say anything wrong; I think it was the Merchants Hall in the Commerce Building.

Q. How did you happen to go there?

A. Where?

Q. To the Bank Building?

A. Everyone else went and I went, too.

Q. Whom did you speak to before you went there?

A. Nobody.

Q. Who was your foreman?

A. Ray Henry.

Q. Did you speak to him before?

A. No.

Q. What time did you go back to work?

A. On the 4th of July.

Q. Did you speak to the foreman before you wert back?

A. No, I didn't.

Q. Did you speak to him after you went back?

A. Sure, why not?

Q. Did you speak to him about the job before you went back?

A. No, sir.

Q. How did you happen to go back on July the 2nd?

MR. PONTIUS: He said July 4th.

MR. LAUTER: I beg your pardon.

Q. How did you happen to go back to work on July 4th?

A. I happened to go back on the 4th—he wanted me to go back on the 2nd but I had to make a trip out of town so I went back to work on the 4th.

Q. You say you went back to work on the 4th?

A. Yes.

Q. When did he tell you that he wanted you to go back to work on the 2nd?

A. On the 2nd?

Q. Yes. Where did he tell you that?

A. At my house.

Q. Did he come to your house?

A. He did.

Q. What is his name?

A. Ray Henry.

Q. He is your foreman?

A. Yes, sir.

Q. On July 2nd he told you he wanted you to come back and July 3rd?

A. That is right but I had to make a trip and I couldn't get back until the 4th.

Q. But you had to make a trip and you came back on the 4th?

A. Yes.

Q. How long did he speak to you?

A. Not long.

Q. How long?

A. Just a few words.

Q. How long?

A. Just a few words.

MR. LAUTER: That is all.

MR. PONTIUS: That is all.

MR. LAUTER: (To the Reporter) Will you read that question back to me about where the witness testified about the foreman?

(The last question was read.)

MR. LAUTER: I want to recall this witness, Mr. Watkins. Will you read that question?

(The last question was read.)

Q. Is that answer correct?

A. No, I spoke to him before I went back to work; before I went back to work.

Q. Is the answer which you gave to my question which the Reporter took down before and which the Reporter just read to you correct or not?

MR. DAY: I object. He has already testified and answered that question.

TRIAL EXAMINER LINDSAY: Overruled. Note an exception.

MR. DAY: Exception.

A. I did.

Q. Wait until the Reporter finishes reading that.

MR. LAUTER: Will you read the question?

(The last question was read.)

Q. Is that answer correct?

A. Right. I spoke to the foreman before I went back to work.

Q. Did you speak to him before you went back?

A. I told him I wanted for me to go back to work. I said before I went back to work, I had to make that trip.

Q. Didn't you testify on cross-examination that you didn't speak to the foreman before you went back to work?

MR. DAY: I object.

A. I didn't say I didn't; I told you I did. I said he called me.

MR. LAUTER: That is all.

MR. DAY: That is all.

(Witness excused.)

MR. PONTIUS: I object.

A. I say I didn't say I didn't. I told you I did, because he came for me, why should I speak to him?

MR. LAUTER: That's all.

THE WITNESS: Thank you.

(Witness excused.)

JUDSON MOODY

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Pontius) You are Judson Moody?

A. Yes, sir.

Q. Please talk up so we can all hear you. You live in Massillon?

A. What is that?

Q. Where do you live?

A. I live in Massillon.

Q. Where in Massillon?

A. 135 South Street, Massillon, Ohio.

Q. Where do you work?

A. Work at Republic Steel, Massillon.

Q. How long have you worked for the company?

A. About four years.

Q. Were you working the night of July 11th?

A. I was.

Q. This year? And in what department were you working that night?

A. Sheet pickle department.

Q. About what time did you go to work?

A. Well, I went to work about 10:20 when I rang in.

Q. Now, did you notice anything in particular that night, following the time that you went to work?

A. No, I didn't.

Q. At any time that evening?

A. No, I didn't.

Q. What?

A. No, I didn't notice any time particular.

Q. You didn't notice anything particular?

A. No.

Q. Well, what, if anything, did you see or hear while

you were there at work?

A. What did you say?

Q. What, if anything, did you see or hear that night?

A. Oh, I didn't see anything, no more than what they usually see as I went to work.

Q. Well, after you went to work, did you see anything?

A. Oh, yes, after I went to work, start to work, why I heard some shooting.

Q. Did you hear anything else?

A. No.

Q. Other than shooting?

A. Didn't hear nothing else.

Q. Do you know about what time it was that you heard this shooting?

A. Oh, around about 11 o'clock.

Q. Where were you when you heard the shooting?

A. Why, I was down in the pickle room about where you drank water, to get a drink.

Q. Now, after you heard the shooting, what did you do?

A. Why, I got up in the window, I thought it was kind of fireworks, looked towards the shooting was going on, toward the CIO Hall, and while I was up there I heard a bullet or something hit the window and I jumped down and ran then.

Q. Now, were you in the same building that Scott was in?

A. I was.

Q. And this man Watkins was in?

A. Yes, sir.

Q. You say you got up and looked out the window?

A. Yes, sir.

Q. Where you say you got up, where did you go to?

A. Well, I went to the window, got up in the window.

Q. In front of it?

A. Yes.

Q. Did you climb up any place? How did you go to the window?

A. Just stepped up on a lift of iron.

MR. LAUTER: I object to leading the witness. Object to the form of the question.

TRIAL EXAMINER LINDSAY: Oh, in this case it is all right. I will overrule the objection, show an exception.

MR. PONTIUS: I am not trying to lead him.

Q. Just tell us where you went. You stepped up, what did you do?

A. Well, when I first heard the shot why I stepped up in the window, stepped up on a lift of iron, stepped up in the window to see what was going on. I stepped up there a few minutes and something hit up there pretty close by me, I don't know where it was, it hit like a bullet, to me, and I jumped down and ran.

Q. Did you go pretty fast?

A. Go as fast as I could go.

MR. PONTIUS: That is all.

Cross Examination

Q. (By Mr. Lauter) You say it was a bullet or something?

A. Yes, it hit just like a bullet to me.

Now, I didn't see it and I didn't take time. It hit like a bullet.

Q. You don't know whether it was a bullet or not, do you?

A. No, sir, I don't know whether it was a bullet or not. I couldn't swear that it was a bullet because I didn't see it. I just heard it.

Q. It might have been a rock?

A. Didn't sound like a stone.

Q. It might have been something other than a bullet, is that right?

A. Yes, it might have been. I will tell you what it sounded like to me.

Q. I am only discussing what it sounded to you, because you didn't see it, did you?

A. No, I didn't see it.

Q. You are only testifying by what you heard?

A. Yes.

Q. Whether it was a bullet or something else you don't know who threw it or shot it, is that right?

A. No, I don't know who threw it or shot it.

Q. Now, was Ray Henry your foreman?

A. Yes.

Q. Now, when did you go back to work?

A. I don't know exactly what the date.

Q. July 2nd or 4th, rather?

MR. DAY: I object to this on the ground it is not proper cross examination.

TRIAL EXAMINER LINDSAY: Overruled. Let the record show an exception.

MR. DAY: Exception.

A. I don't know the date but I went back.

Q. Was it Sunday?

A. No, it wasn't on a Sunday, I went back on a Friday—Thursday or Friday.

Q. About July 2nd, do you think?

A. I think it was.

Q. Did Ray Henry come to see you before he went to work?

A. He did.

Q. Came to your house?

A. Yes, sir.

Q. Told you when to come back to work?

A. Yes, sir.

Q. What else did he tell you?

A. What is it?

Q. What was the conversation you had with him?

A. Oh, he just asked me did I want to go back to work, did I want to go back to work Tuesday. I said I did. He said he would put me on the third shift. I told him I was ready to go.

Q. How many times did he come to your house?

A. He didn't come but once to my house.

MR. LAUTER: Read back the last answer.

(The record was read by the Reporter.)

Q. Did you so state a moment ago that he asked you —your foreman asked you whether or not you had signed a Back-to-Work Petition?

A. I did.

Q. You said that, is that right?

A. I said that.

Q. Did you sign a Back-to-Work petition?

A. I did.

Q. The foreman asked you when he come to your house whether you had signed up, is that right?

A. Yes, sir, he did.

Q. Where did you sign it?

A. Chamber of Commerce, Merchants Bank; Chamber of Commerce.

Q. Who told you to go up there?

A. Why, I saw it in the paper.

Q. What did you see in the paper?

A. What is that?

Q. About signing that?

A. I saw it in the paper where you could sign to go back to work, anybody wanting to go back to work, those that wanted to go back to work, so sign it to go back.

Q. Did your foreman speak to you about going there to sign up a petition?

A. He did not.

Q. Did you speak about signing the petition to any other employee, before you went up there?

A. I did not.

Q. When you went up there to sign a petition who was there?

A. Why, I don't know them fellows that was up there. Several of them up there, but I didn't know his name.

Q. Had you seen them before?

A. Some of them I might have, but I didn't know them. I didn't know them.

MR. LAUTER: That's all.

MR. PONTIUS: That's all.

TRIAL EXAMINER LINDSAY: We will have a short recess.

(Recess had.)

TRIAL EXAMINER LINDSAY: The hearing is called to order.

EDWARD LUSTIG

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Pontius) You are Mr. Edward Lustig?

A. Yes, sir.

Q. Please speak up.

A. Yes, sir.

Q. Where do you live, Mr. Lustig?

A. 821 Wallace Avenue, Massillon, Ohio.

Q. Where are you employed?

A. Central Steel office.

Q. How long have you been employed at that office?

A. Four years.

Q. Where is that office located?

A. What?

Q. Where is that office located in Massillon?

A. Located?

Q. Yes.

A. Down here at the mill.

Q. On Oberlin Road?

A. Oberlin Road.

Q. What is the nature of your work?

A. Why, watchman; watchman now. In the winter-time firing.

Q. Now, do you recall when the strike came on?

A. Sir?

Q. Do you recall when the steel strike came on there?

A. Yes, sir.

Q. Did you remain at work?

A. Why, yes, sir.

Q. How long did you remain at work?

A. I was locked up two weeks and three days.

Q. Two weeks and three days?

A. Yes.

Q. Where were you locked up?

A. In the office.

Q. And then after that did you go out?

A. Yes, sir, we had orders to leave.

Q. And when next did you go back to work?

A. Why, I think I was home two weeks and three days, I can't just—

Q. Then you went back to work?

A. Yes.

Q. Now, were you there at that office the night of the riot, the so-called riot there?

A. Yes, sir.

Q. What was the character of your work there in the office that night?

A. Watchman.

Q. Do you know where the CIO headquarters were located at that time?

A. Yes, sir.

Q. And from the office, the office building there, what is there between the office building and the CIO headquarters to obstruct your view, if anything?

A. Well, there is a tile building there, but on the east side of the building if you can get half—about half of the CIO building; on the south side you can't get all, together, but practically about in the center of the building you get the door, and the other part on up the street, you can't get any view of the building of the CIO from where I was.

Q. Where in the office building were you that night?

A. On the second floor.

Q. On which side of the office building?

A. On the east side.

Q. How did you happen to be there?

A. Well, when I came into work my partner met me at the door, opened up the garage door for me to drive in and he told me, he says, "There is a lot of trouble here tonight." And I asked him, "What is wrong?" And he said, "They have been wrecking cars," and he said, "there is a crowd standing over here on the other side, we don't know what is going to happen," so I asked him if everything was checked in the building, and he told me yes, so I went—

Q. Was that the man you relieved?

A. Yes, so I went up on the second floor.

Q. About what time did you get there that night?

A. Well, it was about half past 10:00, I relieved the man at 10 o'clock.

Q. Where did you go on the second floor of the building?

A. Why, I was on the east corner of the building, northeast, the far end, as close as I could get over to where the crowd was, that I could take a view on both sides

from the road down and over from where the big crowd was standing at CIO.

Q. Did you see from where you were over to the CIO Building?

A. Yes, sir.

Q. Tell us what you observed when you went there and looked from the building that you were in?

A. Well, when I got—went there to the window, I raised up the window and put up the screen and I looked right straight over from where I was standing, and there was a crowd of people and machines there and they seemed to be officers, and there was a man walked up the street towards the CIO, and he got part ways up there and I heard some noise and hollering and all at once why there was five shots fired from CIO, and this somebody hollered in the back for him—for somebody to come forward and they started to shoot this tear gas.

Q. Now, could you tell us about what time that was?

A. Oh, I couldn't exactly; about 11 o'clock. It might have been five or ten minutes after 11, or it might have been just 11:00. I couldn't just exactly tell just what time it was.

Q. Now, could you see from where the shots came?

A. Yes, sir.

Q. Where did they come from?

A. They come from the CIO.

Q. Now, did you observe anything more there?

A. Sir?

Q. Tell us anything further that you saw.

MR. LAUTER: Just one second, I move that the answer of the witness to the effect that they come from the CIO be stricken out as vague and indefinite.

MR. PONTIUS: We will try to make it clear, if we can.

TRIAL EXAMINER LINDSAY: Well, I will sustain that objection unless you clear it up.

MR. PONTIUS: All right.

Q. Just tell us from where you saw the shots fired as you observed them.

A. Well, right from the CIO Building, right from the sidewalk down—there was a man standing there as close as I could see from the distance I was away from him, and he fired five straight shots and this man—the way the fire came from the gun, why I was looking for this man to drop but—

Q. Not what you were looking for; what happened then?

A. Yes, this man just shot—

TRIAL EXAMINER LINDSAY: Just strike out, strike that out of the record.

Q. Yes, not what you were looking for, what did you see, that is what we are trying to get.

A. Well, I seen this man fire.

Q. Yes, and then what followed.

A. Well, then the other side walked forwards and started to fire back.

Q. Could you tell how this man that walked forward was dressed, from where you were?

A. No.

Q. What, if anything, became of him, did you observe?

A. Sir?

Q. The man that was walking forward, what became of him?

A. Well, I didn't take notice what became of this man walking forward because there was more shooting then straight down into—from the corn field up towards the office, and then I left from there when I seen the firing from below there.

Q. Do you know the name of the street just east of the office building there?

A. I think it is Oberlin Road, they call it, the bunk house there—

Q. No, what street is this CIO headquarters on, do you know?

A. Oberlin Road I think they call it. No. I couldn't just tell you the name of the street.

Q. Well, you say you saw some shooting from a corn field?

A. Yes, sir.

Q. What direction was that corn field from CIO headquarters?

A. Why, that is on the east side.

Q. Could you tell the direction those shots were taking, or that shot was taking?

A. Well, it was coming—you could just—all I could tell, you know, from the fire from the gun.

Q. What direction was it coming?

A. Why, it was coming from the—it was going from —coming from the east, going west.

Q. And then what did you do?

A. Why, then I left that window.

Q. Why did you leave there?

MR. LAUTER: Object to the form of the question.

A. Well, I didn't want to get mixed up with any of those bullets.

MR. LAUTER: May I have a ruling on my objection, Mr. Examiner, please? I move the answer be stricken, also.

TRIAL EXAMINER LINDSAY: Yes, I will sustain that objection.

MR. PONTIUS: Exception.

Q. Now, did you observe anything further that night than you have told us?

A. No, sir.

Cross Examination

Q. (By Mr. Lauter) Is your eyesight pretty good, Mr. Lustig now?

A. Sir?

Q. Is your eyesight pretty good?

A. Pretty fair.

Q. Do you wear glasses?

A. No, sir.

Q. What kind of work do you do at Republic?

A. I am watchman now.

Q. Sir?

A. Watchman.

Q. You have been watchman all the time?

A. No, sir.

Q. What did you do before you became a watchman?

A. I fire the boilers in the wintertime. Summertime I watch.

Q. And on May 25th were you working?

A. Yes, I was working.

Q. Do you know when the strike was called?

A. No, I don't.

Q. Do you know what day of the week May 25th was?

A. No, sir.

Q. Did you work on the 26th of May?

A. Yes, I worked on the 26th of May.

Q. After the strike was called, did you stay in the building?

A. Yes, sir.

Q. That is the Republic Steel Corporation district office, main office, whatever it is called?

A. Yes, sir.

Q. How long did you stay there?

A Two weeks and three days.

Q. Did you want to stay there?

A. Sir?

Q. Did you want to stay there?
A. Sure.
Q. You didn't want to leave?
A. No.
Q. You didn't try to leave?
A. No, sir.
Q. You waited until you got orders to leave?
A. Yes, sir.
Q. Before you left?
A. Yes, sir.
Q. And what day was it then you left?
A. I can't recall what day it was on; it was on Tuesday or Wednesday I think it was.
Q. Sometime in June or July?
A. July.
Q. What is that?
A. July.
Q. July?
A. Yes.
Q. You only stayed in the plant two weeks and three days?
A. Yes, sir.
Q. After the strike started?
A. Yes, sir.
Q. How soon did you go back after you left the plant?
A. I was home two weeks and three days.
Q. You stayed in the plant two weeks and three days? You stayed home the other two weeks and three days?
A. Yes, sir, about two weeks and three or four days, I can't just recall, after I was left out.
Q. When you went back, was that June or July?
A. July.
Q. Don't you know that the strike took place on May 25th?
A. May—yes.
Q. When did you go back to work?

A. Well, I don't know what date it was when I went back to work.

Q. Do you know what month it was?

A. No.

Q. You don't remember what month?

A. No.

Q. Do you know what month it was you left the plant?

A. No.

Q. Can you see what time it is over there now?

A. Yes.

Q. What time is it?

A. I think it is twenty minutes after 4:00.

MR. LAUTER: Let the record show—

THE WITNESS: Or three.

MR. LAUTER: —that it is twenty-five minutes after 3:00.

THE WITNESS: After three, is it?

MR. LAUTER: Twenty-six minutes after 3:00.

THE WITNESS: Twenty-six minutes after 3:00.

Q. (By Mr. Lauter) How far is that building that you were in from CIO headquarters?

A. Oh, about 300 or 350 or 400 feet.

Q. Maybe 500? Sure it is not 500?

A. No, sir.

Q. Maybe it is 500?

A. It may be 500, if it was measured.

Q. Might be 1000?

A. No, it is not that far.

Q. What is that?

A. It is not that far.

Q. Well, are you sure it is not 900 feet?

A. No.

MR. DAY: I object to that line of cross examination.

TRIAL EXAMINER LINDSAY: The objection is overruled, let the record show an exception.

MR. DAY: Exception.

Q. What time did you get to work on July 11?

A. July 11th?

Q. Did you go to work on July 11th?

A. I don't know what time I did go back to work.

Q. Do you know whether or not you were at work on July 11th?

A. No.

Q. You don't know whether you worked on July 11th?

A. No.

MR. LAUTER: Well, I move the testimony of this witness be stricken in its entirety. He has testified as to certain events that took place on July 11, and now he states he does not know whether he was working on that day.

MR. DAY: Well, of course, the night of the riot —he might know what happened without knowing the date.

THE WITNESS: I know what happened, but I didn't pay no attention to the date.

TRIAL EXAMINER LINDSAY: Now, just a minute. I will deny the motion. Let the record show an exception. Take it for what it is worth.

MR. LAUTER: Exception.

Q. (By Mr. Lauter) Did you go to work on the night that there was some shooting? Did you go to work on the night that there was some shooting?

A. I went to work in the machine every night.

MR. LAUTER: Read the question.

(The last question was read by the Reporter.)

A. No.

MR. LAUTER: Well, I want to renew my motion to strike the evidence and the testimony of this witness on the ground that he never went to work one evening when there was some shooting.

MR. DAY: Oh, I don't think so. He is telling what happened the night of the riot.

TRIAL EXAMINER LINDSAY: Well, now, Mr. Day, the witness after all, is testifying.

MR. DAY: Yes, he testified.

TRIAL EXAMINER LINDSAY: He just said he didn't go to work when there was some shooting.

MR. DAY: He testified to what he saw out of the window.

TRIAL EXAMINER LINDSAY: Question him a little further. I will take the motion under advisement.

Q. (By Mr. Lauter) Did you work in the plant during the month of July, do you know?

A. Yes, sir.

Q. Do you remember July 11th? Do you remember that evening?

A. Yes, sir.

Q. What is that?

A. Yes, sir.

Q. Do you remember what day that was? What day of the week that was?

A. What day of the week?

Q. That is right.

A. 4th of July.

Q. The 11th of July?

A. The 11th of July?

Q. Yes.

A. No.

Q. You testified on direct examination about some shooting. Do you recall that? In answer to questions by Mr. Pontius, you testified about some shooting.

MR. DAY: Can you hear the question?

TRIAL EXAMINER LINDSAY: Yes, he can hear them, I am sure. If he can't, we will read them to him.

MR. DAY: All right.

TRIAL EXAMINER LINDSAY: Did you hear that question?

THE WITNESS: No.

MR. LAUTER: Repeat the question.

TRIAL EXAMINER LINDSAY: Are you a little deaf?

THE WITNESS: Oh, a trifle, kind of a little deaf. That is my ears—

TRIAL EXAMINER LINDSAY: All right, talk louder, Mr. Lauter, please.

MR. LAUTER: Will you read the question, Mr. Reporter.

(The last question was read by the Reporter.)

A. Yes.

Q. Now, were you present and in the plant when that shooting took place?

A. I was in the office when the shooting took place.

Q. What time did you arrive at work that night?

A. About 10:30.

Q. How did you come to work?

A. In the automobile.

Q. Did you come alone?

A. Yes, sir.

Q. Drive your own automobile?

A. Yes, sir.

Q. What turn did you work that night?

A. I worked from 11:00 to 7:00.

Q. What is the name of the man that you relieved?

A. Swarm.

Q. When was the first time that you first looked out of the window and heard some shooting?

A. Well, when I looked, was when my partner told me there was an awful mix-up the other night, and I asked him if everything was "O. K."—

MR. LAUTER: Will you listen to my question?

Will you read the question?

(The last question was read.)

A. The first time?

Q. Yes.

A. Why, when I got upstairs and opened up the window and it was about 11 o'clock. Stayed there watching it, and all at once, why, this man walked up the road, while he was walking up the road—

MR. LAUTER: Just a minute.

Q. I asked you what time it was.

A. About 11 o'clock.

Q. About 11 o'clock?

A. Yes; I wouldn't say for sure.

Q. Did you see the shooting after you opened the window or before you opened the window?

A. I had the window opened before the shooting.

Q. The shooting started after you opened the window?

A. Yes, sir.

Q. How soon after you opened the window did the shooting start?

A. Oh, about two or three minutes afterwards.

Q. You were looking down at the crowd for those two or three minutes?

A. Yes, sir.

Q. Tell me what you saw down there.

A. Well, I saw a bunch of officers down this way (indicating) and then one man walked up—

Q. You say you saw a bunch of officers?

A. Yes, sir.

Q. That is south of the C. I. O. headquarters?

A. Yes, sir.

Q. These officers were lined up across the street?

A. What?

Q. Those officers were lined up across the street?

A. No, sir.

Q. How were they standing?
A. They sort of were standing in a bunch.
Q. All in a bunch?
A. Yes, sir.
Q. About how many officers did you see?
A. About; I could not say whether—about 25 or 30.
Q. Do you know whether or not they had any arms or ammunition?
A. No, sir.
Q. Did you see whether they had any rifles?
A. No, sir.
Q. Any pistols?
A. No, sir.
Q. Any gas guns?
A. Well, I seen one have a tear gas gun.
Q. How many officers did you see with tear gas guns?
A. I just saw one.
Q. Did you see any guns in their hands?
A. No, sir.
Q. Did you see the officer shoot off a tear gas gun?
A. Did I what?
Q. Did you see the officer shoot off a tear gas gun?
A. Yes.
Q. Did you see anyone throw a gas bomb?
A. No, sir.
Q. About what time was it that you saw a tear gas gun shot off?
A. About 11 o'clock.
Q. About 11 o'clock.
A. Yes, sir.
Q. Did you see anyone with a sub-machine gun?
A. No, sir.
Q. Do you know what a sub-machine gun is?
A. Sir?
Q. Do you know what a sub-machine gun looks like?
A. A sub-machine gun?

Q. Yes, sir.

A. No, I don't know what a sub-machine gun looks like but I know what a tear gas gun looks like.

Q. You say you saw one shoot a tear gas gun that night?

A. Yes, sir.

Q. Do you know what officer had a tear gas gun?

A. I don't know what officer.

Q. You say you saw him shoot it off?

A. I saw the officer was shooting it off.

Q. What direction did he shoot the tear gas gun?

A. Towards the C. I. O.

Q. How many times did he shoot it off?

A. Oh, I couldn't tell you.

Q. Tell me as best you can.

A. They made—I think they made a round, and then someone yelled for them to lay down, and then I looked down there over in the corn field and I seen fire coming up from there.

Q. About what time did you see that firing coming from the corn field?

A. Just before they yelled for somebody to lie down—the fellows that was shooting.

Q. About what time was that?

A. About 11 or 5 or 10 after 11; I don't—when it was, I don't know, because I came in the building at 10:30 and then fooled around and ran around in different places. It could have been just before 11 o'clock when the first firing started. This man at the bunk house—

Q. Never mind about the bunk house. I want to know about the gun in the corn field.

A. Yes.

Q. Could you see the firing from the corn field?

A. Yes, you could see the firing from the corn field.

Q. Do you know how many officers were there?

A. I don't know.

Q. Do you know who was shooting?

A. I don't know who was shooting.

Q. About how many shots did you see?

A. When there was two shots fired I left the place.

Q. When there were two shots fired from the corn field, you left?

A. Yes. From the way the gun came—

Q. About what time in the evening did you see the shots come from the C. I. O. headquarters?

A. Just about 11 o'clock.

Q. A little after 11?

A. Well, I couldn't just tell.

Q. Could you tell whether it was a little after 11, before 11 or after 11; or exactly what time?

A. Just before 11 o'clock.

Q. Didn't you say someone threw a gas bomb before the shooting?

A. No, sir.

Q. You are sure?

A. No, sir.

Q. Did you see anyone shoot off a tear gas gun before the shots in the C. I. O. headquarters?

A. No, sir.

Q. You are sure of that?

A. Yes, sir.

Q. How large was the crowd in front of the C. I. O. Hall?

A. I couldn't say; it was an awful crowd there.

Q. How many would you say; as best you can?

A. About 100 or 150.

Q. About 100 or 150?

A. Yes; about 200.

Q. Now, when you saw the five shots how far away was the man from the front of the building?

A. Well, I couldn't estimate that. He was on the sidewalk there in front of the building.

Q. He was on the sidewalk?

A. Yes.

Q. You are sure he wasn't on the steps or in the doorway?

A. No, it didn't look that way to me from the light there.

Q. How far away from the doorway was he?

A. Well, I couldn't think.

Q. Were the people out in front of the building?

A. Yes, sir.

Q. Was he among the people there?

A. Yes, sir.

Q. How many people were in the front of the building?

A. Well, it looked about 150 or 200 people there.

Q. Were there any men and women there?

A. I didn't notice any women.

Q. Did you see any children?

A. No, sir, I couldn't tell; I didn't see none.

Q. Now, can you give us your best judgment how far away from the door of the building was the man who fired the gun?

A. Well, it looked to me just like he was standing on the sidewalk when he fired this gun.

Q. Now, how far is the sidewalk from the front of the building?

A. Oh, I wouldn't know. Just about eight or ten feet from the building.

Q. Sure it isn't about 15 feet?

A. I can't tell you.

Q. Or 20 feet?

A. I can't tell you.

Q. You don't know.

A. Yes.

Q. Now, about what height did the man hold the gun?

A. What?

Q. Was he shooting it from the side or from his hip or from where?

A. I couldn't tell; the distance was too far.

Q. Too far?

A. Yes, sir; all I could see was the firing.

Q. Were there a lot of people?

A. Yes.

Q. You don't know whether he held the gun over his head?

A. No, sir.

Q. After those five shots—is that right, five shots?

A. Yes, sir.

Q. You are sure there weren't four?

A. I counted five.

Q. You counted five at that time?

A. Yes.

Q. Do you remember counting five at that time?

A. Yes.

Q. Were they in rapid succession?

A. Yes, sir.

Q. One right after the other?

A. Yes, sir.

Q. And you counted five?

A. Yes, sir.

Q. Sure it wasn't six?

A. No, I don't think it was six; it was five shots.

Q. Did the people move away from in front of the man after the firing or did they remain?

A. No, they remained there until they started to fire with tear gas.

Q. How long after that?

A. Just a few seconds after that.

Q. And a few seconds after the five shots were fired they started to go away?

A. Yes, sir.

Q. Was there any more firing from the C. I. O. headquarters?

A. Only from down there; from where I could notice to that corn field.

Q. Did that corn field—that was some distance from the house, wasn't it?

A. Yes, sir.

Q. From the vicinity of the house, was there any more firing?

A. Any more shots fired after the five shots?

Q. That is right.

A. I can't tell; the firing was going rapidly on both sides.

Q. Did you see the police fire any revolvers or pistols or use any sirens?

A. No, I don't think so.

Q. Did you see any men fall?

A. When they started to fire I watched the crowd. They broke away and I went through and came over there.

Q. Did the policemen stand up or fall to the ground?

A. When the firing first started?

Q. Yes.

A. They were standing, and somebody hollered "lay down."

Q. Do you know who it was? The party that hollered?

A. No.

Q. Do you know Captain Curley?

A. I know Mr. Curley.

Q. Was he there that night?

A. Yes, he was there that night.

Q. Do you know whether it was he who shouted for them to lie down?

A. Sir?

Q. Do you know whether it was Captain Curley that shouted at the officers?

A. No.

Q. Now, did you see an automobile drive up to the C. I. O. headquarters while you were looking out?

A. Sir?

MR. LAUTER: Will you read that question?

(The last question was read.)

A. No.

Q. Do you know whether there were any automobiles parked?

A. Yes, down further there was automobiles parked. There was an automobile parked close to the dividing line.

Q. Were there any trucks or automobiles parked in front of the C. I. O. headquarters?

A. That night?

Q. Yes, sir.

A. Yes, there was some automobiles parked there that night.

Q. Were they directly in front of the C. I. O. headquarters?

A. No, they was on the side.

Q. Do you know whether any were in front of the building?

A. I don't know.

Q. If there were any, you don't know?

A. No, sir.

Q. How many doors are there in the building?

A. The C. I. O. Hall?

Q. Yes.

A. No.

Q. Are there any windows?

A. Yes, on the side.

Q. Are there any windows on the front?

A. Some windows on the front.

Q. Do you know how many there are?

A. No.

Q. From where you were in the building, how much

of the front of the building did you see in front of the C. I. O. building?

A. I could see the north side of the building and then part of the front. There is a tile building obstructed half of the building from where I was.

Q. You don't mean the north side? You mean the south side?

A. The south side, yes.

Q. You could only see half of the front of the building?

A. Yes, sir.

Q. Did you see any doorways from where you were?

A. No, sir.

Q. That is, if there were any doorways in front of the building, you could not see them from where you were?

A. No.

Q. If the firing took place out of the doorway, you could not see it from where you were, is that correct?

A. Yes, sir.

(The record was read for the Examiner by the Reporter.)

MR. DAY: Did your Honor find out what the testimony was?

TRIAL EXAMINER LINDSAY: Yes, he said it was 350 or 400 or maybe 500 feet if measured.

MR. LAUTER: That is all.

Redirect Examination

Q. (By Mr. Pontius) Mr. Lustig, will you please take your time and look at that clock and tell us what time it is?

A. Five minutes to 4:00.

MR. LAUTER: I want the record to show that it took the witness ten seconds to tell the time.

MR. DAY: Did you time him?

MR. LAUTER: Ten seconds. I timed him.

MR. DAY: Have you got a stop watch?

MR. LAUTER: I have got a watch.

TRIAL EXAMINER LINDSAY: Let the record show that it was then six minutes to 4:00 when he took the time. It is not yet five minutes to 4:00.

MR. PONTIUS: That is all.

(Witness excused.)

FRANK SWARM

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Day) State your name, please.

A. Frank Swarm.

Q. Where do you live?

A. 711 Euclid, S. W. Massillon, Ohio.

Q. What is your business?

A. Night watchman.

Q. For what company?

A. Republic Steel, Massillon, Ohio.

Q. How long have you worked for Republic?

A. About 20 years.

Q. Do you remember some trouble down at the plant and CIO headquarters on a Sunday night last July?

A. I do.

Q. Were you at work that day?

A. I was.

Q. And what was your shift?

A. 3 to 11 in the afternoon.

Q. What time did you go to work that day?

A. Well, I reported in, I think around 2:35.

Q. And how long did you work?

A. Well, my shift extended to 11 o'clock. I was

there until about 2:30 in the morning.

Q. Where were you?

A. In the building.

Q. Now what building?

A. The main office.

Q. I call your attention to this map that has been marked Respondent's Exhibit No. 1. This is Oberlin Avenue where I have the pointer now and there is the viaduct; that is the north up there; south, east and west and Erie Street. Here is Cleveland Avenue.

Q. Now where was the office building that you were in?

A. Well, the office building is located—which is Erie Street? Right in here (indicating).

Q. Well, now, this building that is marked "district office" is that where you—

A. That is it, yes, sir.

Q. How large a building is that? How many stories is it?

A. Three stories with an attic.

Q. And you say you were there from 3 o'clock until 2 o'clock?

A. About 2:35 to 2:30 that morning, the following morning.

Q. And your shift was over when?

A. 11 o'clock.

Q. What, if anything, did you do about 11 o'clock that night? Where were you, first?

A. At 11?

Q. Yes.

A. Well, about 10:30 why I made my beat. Then I went to the east end wing of the building, overlooking Cleveland Avenue.

Q. And on what floor were you then?

A. The first floor.

Q. Now what did you do?

A. What did I do? I was looking out the east window.

Q. The east window?

A. On the first floor.

Q. On the first floor.

A. Yes, sir, the east side of the building.

Q. Now, about what time did you do that?

A. Oh, I was in that room practically all the time from about 8 o'clock until after 11:30, with the exception of the time that I was making my beats.

Q. Now, when you looked out of the window of the office building, after your snift was up what, if anything, did you see?

A. I saw plenty.

Q. Well, now—

TRIAL EXAMINER LINDSAY: Strike out that word "plenty".

Q. Yes, now don't tell us you saw plenty. What did you see?

A. Well, at 11 o'clock I was in that room, and the 11 o'clock whistle had blowed—do you want the time for leaving, about 11 o'clock, or after 11?

Q. I just want you to tell what you saw over there.

A. At 11 o'clock or before?

TRIAL EXAMINER LINDSAY: Repeat the question, Mr. Reporter.

(The question was read by the Reporter.)

A. I saw shooting.

Q. About what time was that?

A. Well, the 11 o'clock whistle had blown, and the sound of the whistle had not died down, you could hear the sound of the whistle and there was a commotion and shooting over on Cleveland Avenue.

Q. And you saw it?

A. I did.

Q. Now, where did the shooting come from?

A. From in front of the CIO headquarters.

Q. You say you saw shooting, what did you see?

A. Well—

Q. You say "shooting"—what did you see of it?

A. I saw the fire from guns.

Q. Can you tell us how many shots?

A. There was five shots from the front of the headquarters.

Q. Then what next did you see?

A. Well, really leading up to the shooting, there was two men walked up Cleveland Avenue, in front of the headquarters, and they got right up near the headquarters, and there was five shots fired. Two men dropped and they started back towards the police department, they had strung across Cleveland Avenue. After the fifth shot was fired, the Massillon city police started to shoot tear gas.

Q. Then about how much of tear gas was shot there?

A. I wouldn't estimate but there was quite a bit.

Q. Now go forward and tell us in your own way what you saw. Tell us.

A. Well, directly after the shooting I saw several ambulances pull up.

Q. Yes.

A. And then the shooting—there was a round of shots. Then there was a couple of seconds interval in between. Then a second firing of shooting started, and in the meantime you could hear people hollering and a commotion up there. Of course, you heard that beforehand.

Q. Now, did you see anybody else arrive there besides the Massillon police?

A. I did.

Q. Whom did you see arrive there?

A. The Canton Police Department.

Q. About when did the Canton Police Department arrive there?

A. Well, I won't know the exact time but it was in the neighborhood of around 11:20 or 11:30.

Q. And after the Canton Police Department arrived what did you see?

A. Well, I saw the Canton Police Department give a new supply of tear gas to the Massillon Police Department.

Q. And then what happened?

A. There was another volley of firing; shooting started from up in front of the hall again. The Massillon police came back and responded with tear gas. Shortly after that the Ohio National Guards came on the job.

Q. And then what did you see happen?

A. Well, the Ohio National Guards started to round up quite a few and bring them to the Canton jail.

MR. DAY: Well, you didn't see that.

THE WITNESS: I didn't see that but I saw them round them up and load them into the trucks.

Q. All right. And then what?

A. I understand they brought them—

Q. Don't tell us what you understand.

MR. DAY: That may go out by consent.

Q. Now, you tell generally what you saw there that night.

A. Sir?

Q. Tell us what you saw there that night. Tell us what else you saw.

A. Well, you asked from 11 o'clock on, did you?

Q. Yes.

A. Well, quite a few things before 11 o'clock—

Q. Now, what did you see before 11 o'clock?

A. Well, about 9:30 there was trouble started on the east end of the viaduct.

Q. Could you see that from where you were?

A. Well, I could see a commotion over there but I couldn't see exactly what was wrong. A party came across

the viaduct. I said: "What is the commotion there?"

Q. Don't talk about a commotion unless you can clearly tell us what you heard.

A. All right. About eight o'clock I went in the building and I saw quite a few people in front of the C. I. O. headquarters. I would say between 150 and 200 gathered there between 8 and 11 o'clock. There was a commotion over there.

TRIAL EXAMINER LINDSAY: Just a moment.

Q. Now, you say there was a commotion. You can't say that.

MR. DAY: That may go out by consent.

Q. Don't say commotion. What did you see them do?

A. Well, there was milling around over there, and talking, and crowding; jamming. Automobiles moving in and out, parking. Automobiles on the south side of the building moving in and out and reparking.

Q. And you left the building about what time of the night?

A. About 2:30 in the morning.

Q. Those first flashes that you saw came from where?

A. Directly in front of the C. I. O. headquarters.

Q. In what direction?

A. Coming south from the headquarters towards Oberlin Road.

MR. DAY: I think that is all.

Cross Examination

Q. (By Mr. Lauter) Mr. Swarm, you have just testified to a number of things which happened in the vicinity of Cleveland Avenue, is that correct?

A. Yes, sir.

Q. Now, did the things that you have testified about you saw yourself?

A. I did.

Q. Is that also true with respect to the National Guard?

A. Sir?

Q. Is that also true with respect to the National Guard?

A. Yes, sir.

Q. Did you see the National Guard round up any men?

A. I did.

Q. Now, where did you see the National Guard round the men up?

A. Rounded up in Cleveland Avenue.

Q. Whereabouts?

A. Well, right along headquarters there and a little bit south of headquarters—C. I. O. headquarters.

Q. Are there any buildings south of the C. I. O. headquarters?

A. There is one frame dwelling on the east side of the street.

Q. Is that where you saw them round them up?

A. Around in there and a little bit north.

Q. About what time did you see them round them up?

A. Well, I would say it was around 1 or a little after 1 o'clock.

Q. What did you see them do?

A. Loaded them in trucks.

Q. Before they loaded them in trucks, what did you see them do?

A. Well, they lined them up.

Q. Where did the men come from?

A. Around in the headquarters; the C. I. O. headquarters.

Q. Took them out of the C. I. O. headquarters?

A. I don't know if they took them out or not but they were around that headquarters.

Q. How long had the men been there?

A. How long before?

Q. That is right.

A. I don't know exactly how long before.

Q. Weren't you working out on the scene all this time?

A. I was.

Q. Could you give us some idea?

A. Some of them might be early comers; some of them might be late comers in the evening.

Q. Tell me when the earlier comers came, after they were rounded up.

A. I can't tell you that because I don't know what time they got to headquarters.

Q. But you were looking down on the scene all the time?

A. I was.

Q. But you couldn't give me any idea?

A. If there were 75 to 100 men standing in front of the building, do you think that I can tell you how many there were?

Q. Don't ask me any questions. I am asking you questions.

A. I can't give you any definite time they arrived at headquarters.

Q. The men that were rounded up and put in National Guard trucks, about what time did they start rounding them up and putting them in?

A. I would say around 1:45—12:45 or 1 o'clock; maybe a little later.

Q. How many men did you see in front of the C. I. O. building about 11 o'clock?

A. Well, I would say there was at least 200.

Q. What were those people doing there?

A. Milling around, talking around, talking to each other in a nervous state of mind.

TRIAL EXAMINER LINDSAY: Just a minute. Strike out the word "nervous," and the word "milling." Tell what you saw.

A. There was walking around in front of the building back and forth and talking to each other.

Q. Were their actions any different than an ordinary crowd of 200 people?

A. There was.

Q. In what respect were their actions different?

A. Nervous dispcsition.

TRIAL EXAMINER LINDSAY: Strike out the word "nervous." Were their actions any different from any crowd of 200 people?

A. They seemed excited.

Q. How did that manifest itself; their excitement?

A. Sir?

Q. How did they manifest their excitement?

A. Why, by the disposition; by the way they was walking around.

Q. Were they running around or walking around?

A. They was walking. They couldn't have run around in a crowd like that.

Q. They were walking?

A. Yes, sir.

Q. Now, you heard five shots?

A. I did.

Q. About what time was that?

A. Well, it wasn't much after 11:02 or 11.03. The sound of the whistle hadn't died down yet when I heard the shots.

Q. Where did the shots come from?

A. In front of the C. I. O. headquarters.

Q. Where, in front?

A. In front?

Q. In front you say?

A. Yes, in front of the building.

Q. How far in front?

A. Well, I would say it wasn't over two or three feet if it was that much.

Q. Sure it wasn't from the doorway?

A. Well, I wouldn't be surprised if some didn't come from the doorway.

Q. You say you wouldn't be surprised. Did you see where they come from?

A. They came from directly in front of the building.

Q. But you don't know whether it was from the doorway or the sidewalk?

A. I wouldn't be positive, no.

Q. Do you know if there are any steps to the building?

A. I think there is.

Q. Do you know how many?

A. No.

Q. Would you be surprised if they came from the steps of the building?

A. Well, would that be directly in front of the building?

Q. Just answer my question and don't ask me any questions. Are you sure they didn't come from the steps of the building?

A. They came from the front of the building.

Q. But are you sure they didn't come from the steps of the building?

A. No, it wasn't that close.

Q. All right. That is what I want to know. Do you know where the sidewalk is in front of the building?

A. I do.

Q. How long is the sidewalk from the doorway to the building?

A. Well, I couldn't tell you that exactly. I have never been that close to that or measured it.

Q. Do you know how many doorways there are to the building?

A. I know there is one; I couldn't say if there was any more or not.

Q. How much of the front of the building could you see from where you were standing?

A. About two-thirds of it.

Q. Now, were you standing anywhere near where Mr. Edward Lustig was when you were looking out?

A. I wasn't.

Q. Where was he, over north or south?

A. He was over further to the south.

Q. About what time was that when he was farther south?

A. About 11 o'clock and immediately after.

Q. You didn't see where he was standing, did you?

A. No, he was on the second floor; I was on the first.

Q. I say, you didn't see where he was standing?

A. I didn't.

Q. And you don't know exactly where he was standing?

A. I don't.

Q. Now, you saw the Canton police arrive?

A. They did.

Q. About what time did they get there?

A. Well, I would say around 11:30 or shortly thereafter.

Q. What was there about them to distinguish them and make you recognize them as Canton police?

A. Their blue uniforms.

Q. When did the Massillon police get there?

A. Sir?

Q. When did the Massillon police get there?

A. Well, there was some of them there all evening.

Q. When did they arrive?

A. Well, I don't know exactly. They was there quite a while before 11.

Q. Quite a while before 11?

A. Yes, sir.

Q. How long before 11?

A. I can't tell you exactly.

Q. How many were there quite a while before 11?

A. Well, the biggest part of them.

Q. How many is the biggest part?

A. Well, anything from 20 to 30 police on duty that night. I am safe to say 15 to 20 of them was there if not all of them.

Q. Were they there before 11?

A. Yes, sir.

Q. Quite a while before 11?

A. Yes, sir.

Q. Would you say a half an hour or an hour before 11?

A. I would say around an hour, if not longer.

TRIAL EXAMINER LINDSAY: If not longer?

THE WITNESS: Yes, sir.

Q. Then between 10 and 10:30 there was at least 20 to 25 policemen there?

A. Yes, sir.

Q. What did you notice those policemen doing?

A. What did I notice them doing?

Q. That was my question.

A. Why, they were standing there; they saw the crowd up above in front of the C. I. O.

Q. Never mind what they saw. Tell what you saw.

TRIAL EXAMINER LINDSAY: Just a minute. Strike out from the record in regard to what they saw.

Q. Go ahead.

A. They was on Cleveland Avenue.

Q. Go ahead.

A. Some of them were standing close together and some of them were strung out on Cleveland Avenue and some of them were strung out across the street.

Q. When you say they were strung out, what do you mean?

A. Sir?

Q. When you say they were strung out, what do you mean?

A. Well, I would say from around 10:30 on—

Q. How many of them did you see strung out across the street?

A. Well, I would say the biggest part of them.

Q. How many would that be?

A. Well, I would say between 20 and 25 were on duty that night around there on Cleveland Avenue. I would say at least around 20 was strung out.

Q. From 10:30 on?

A. Well, I would say so, yes.

Q. Did you notice whether or not they had any pistols, rifles, or tear gas guns?

A. They had a tear gas gun.

Q. What else did they have?

A. Well, there was several rifles.

Q. What else?

A. I guess that is about all.

Q. Didn't you see them with any pistols?

A. They had on their regular police uniforms, if I am not mistaken. I know several of them did.

Q. Did they carry pistols?

A. On regular duty they do.

Q. I am not asking you about regular duty. I am asking you if they carried pistols that night.

A. I think there was several on them.

Q. Did you notice whether or not they had any pistols?

A. I think one man did.

Q. Who was that?
A. Officer Moore.
Q. Did he also have a rifle?
A. No, I don't think he did.
Q. Who had the rifle?
A. I can't tell you.
Q. How many rifles were there?
A. There was several.
Q. Would you say three or four or 10 or 11?
A. No, not 10 or 11.
Q. Five or six?
A. No, I didn't count them. I didn't check them that close.
Q. How many would you say there were?
A. I wouldn't estimate.
Q. You couldn't estimate one or nine?
A. I couldn't estimate.
Q. I am asking you to state whether or not there was less than nine?
A. I have told you I wouldn't estimate the amount of rifles there was.
Q. Were there more than five?
A. I couldn't estimate the number of them.
Q. Were there more than one?
MR. DAY: I object to that.
A. I am not estimating.
MR. LAUTER: Well, I will request the Trial Examiner to ask this witness to answer my question.
TRIAL EXAMINER LINDSAY: If you know, you better answer the question.
A. I can't tell you exactly because I am not sure.
TRIAL EXAMINER LINDSAY: All right.
MR. LAUTER: The witness has testified that he saw several rifles there. That is more than one rifle.
TRIAL EXAMINER LINDSAY: Go ahead.
Q. Did you see more than one rifle there?

A. I can't tell you if there was more than one or not.
Q. Did you see one then?
A. Yes.
Q. Now, where was the one that you saw?
A. Some officer had it.
Q. When was the first time that night that you noticed a rifle?
A. When the firing started.
Q. About what time was that?
A. 11 o'clock or 11:02.
Q. How did you happen to notice the rifle?
A. Well, I don't know just how I did notice it.
Q. Was it being fired?
A. I don't think it was.
Q. Did you know that it was being fired?
A. I am not positive.
Q. In whose hand was it in?
A. I don't know who the officer was.
Q. Where was the officer standing?
A. Cleveland Avenue.
Q. What side of Cleveland Avenue?
A. I don't know if he was in the side of Cleveland Avenue or in the center.
Q. Do you know whether or not he was there?
A. He was there.
Q. How far away was he?
A. How far?
Q. Yes. How far?
A. About 150 yards.
Q. 150 yards?
A. Or 175 yards south of headquarters of Cleveland Avenue.
Q. Are you sure you mean yards or feet?
A. Sir?
Q. Do you mean feet or yards?
A. Yards.

Q. Do you know how many feet there are in a yard?

A. Sure, I ought to know, I went to school.

Q. How many feet are there?

A. Three there used to be.

Q. You don't think it has been changed, do you?

A. No, I don't think so.

Q. Now, you say it is 150 to 175 yards south of the C. I. O. headquarters?

A. Yes.

Q. Do you know how far Oberlin Road is from C. I. O. headquarters?

A. I never measured it.

Q. Give me your approximation of it.

A. Sir?

Q. Give me your estimation of it.

A. 250 to 300 yards I would say.

TRIAL EXAMINER LINDSAY: Will you read that last question and answer?

(The last question and answer were read.)

TRIAL EXAMINER LINDSAY: Was this man that far from C. I. O headquarters?

THE WITNESS: No, sir.

Q. How far away were you from C. I. O. headquarters?

A. How far was I?

Q. That is right.

A. Well, about 150 to 175 yards south of headquarters.

Q. Could you give me some idea of the distance that the man was with the rifle from C. I. O. headquarters?

A. I would say a little further than where I was.

Q. Was he a little more than 175 yards?

A. Sir?

Q. Was he a little more than 175 yards away?

A. A little less.

Q. How far away were you from the man with the rifle?

A. Well, I would say 150 feet.

Q. When the shooting started was the man with the rifle there?

A. I think he was.

Q. I am not interested in what you think. Was he there?

A. He was.

Q. What did he do?

A. Well, he was—I imagine he was there.

Q. I am not asking you what you imagine. What did he do?

A. I don't know.

Q. Did you see him?

A. I saw him there, yes.

Q. What did he do when the shooting started?

A. I don't know if he shot the rifle.

Q. What did he do when the shooting started?

A. I don't know.

Q. Didn't you see him?

A. I saw the man there, but I couldn't pick out any such man and watch his tracks, during a time like that.

Q. Did you see him at all later that evening ?

A. Sir?

Q. Did you see the man with the rifle later that evening?

A. I think I did.

Q. What was he doing?

A. Walking around.

Q. Did you see him shoot at any time that evening?

A. I did not.

Q. Did you see any officer use a pistol that evening?

A. I didn't.

Q. Did you see them shoot any tear gas?

A. I did.

Q. How many did you see shoot tear gas?

A. I couldn't tell you how many was shooting tear gas.

Q. Did you see one?

A. Yes, there was more than one.

Q. About how many more than one?

A. Well, I didn't make an accurate check on that, I didn't count them, but there was quite a few.

Q. Would you say seven or eight?

A. What?

Q. Would you say ten?

A. Well, I would not say ten, no. I will say seven or eight.

Q. Shooting off tear gas guns?

A. They were.

Q. When did they start to shoot off tear gas guns?

A. When did they stop?

Q. When did they start?

A. After the fifth shot was fired from in front of the CIO headquarters.

Q. How many started to shoot off tear gas guns at that time?

A. I couldn't tell you.

Q. How long did they continue shooting?

A. Well, I will say five or six, maybe seven minutes.

Q. And then how long did they stop?

A. Well, there was an intermission in there of several minutes, maybe five minutes or more.

Q. And when did firing start again?

A. After the shooting started from the CIO headquarters.

Q. That was the second time they shot?

A. The second time.

Q. Where did these shots come from?

A. From headquarters. All around headquarters.

Q. All around?

A. Right up in front.

Q. What did you mean, "all around"?

A. Well, right in the vicinity of headquarters.

Q. Now, in front or around? What do you mean b "around"? Do you know where those shots came fron did you see?

A. I do.

Q. You describe where you saw the second shots com from?

A. You mean the second volley of shots?

Q. That was my question.

A. Right in front of headquarters.

Q. In the doorway?

A. I couldn't say if it came from the doorway or no

Q. Would you say it came from the sidewalk?

A. Either the sidewalk or the street.

Q. During that intermission were there any peopl in the street?

A. Plenty.

Q. When the tear gas was fired, was anyone left?

A. Sir?

Q. When the tear gas was fired, did you see anyon left?

A. I hope to tell you they left, quite a few of them.

Q. I am not interested in what you hope to tell me Just tell me what you saw.

A. Yes, sir, there was--

Q. About how many remained there after the first volley by the police?

A. I couldn't make a check up from where I was. I couldn't count them.

Q. You say there were about 200 people around in the beginning there?

A. There was.

Q. How many were there when the second volley of shots was fired?

A. I couldn't tell you. I wasn't close enough to check them.

Q. Were you close enough the first time?

A. No, sir, I was not.

Q. You said there was 200 the first time?

A. I said there was between 150 and 200. There was a large crowd.

Q. You were close enough to make that judgment, weren't you?

A. I saw a large crowd.

Q. You saw 150 to 200, didn't you?

A. I would imagine there was.

Q. I am not interested in what you imagine.

MR. LAUTER: I move that the answer be stricken out from the record, as to what this witness imagines.

TRIAL EXAMINER LINDSAY: Oh, yes, that will be stricken.

Q. (By Mr. Lauter) You also imagine there were 150 to 200 when the second volley was fired?

A. No, there wasn't that many when the second volley was fired.

Q. You were near enough to see there weren't that many?

A. I was close enough, because I could see them running in all directions.

Q. Would you say there were more or less than half of the crowd?

A. Sir?

Q. Would you say there was more or less than half of the crowd when the second volley was fired?

A. Well, I would say the biggest part of the crowd started to run after the first volley because I could see them going over the Heights and all directions.

Q. How many shots did you see fired the second time?

A. I don't know how many was fired the second time because the Massillon police force responded directly with tear gas.

Q. In what direction did the shots go, the second volley of shots?

A. From what side?

Q. Well, the shots—

A. What do you mean?

Q. The shots were fired by—

A. The shots came south, the pistol shots came south from the CIO Hall.

Q. You are sure they were pistol shots?

A. I imagine they were.

Q. Not what you imagine.

A. I know they were, yes.

Q. Did you see the pistols?

A. I saw the firing.

Q. Did you see the pistols?

A. I didn't see the pistols but I saw the fire.

Q. How do you know they were not rifles?

A. Well, they might be rifles.

Q. They might be pistols, they might be rifles?

A. Yes, sir.

Q. But you know they were pistol shots, weren't they?

A. I won't say they were pistol shots or ammunition, they was bullets. You could see the fire coming from the guns. Whatever it was, I don't know.

Q. You can't estimate how many there were?

A. No, I would not estimate because the Massillon police force responded directly with tear gas.

Q. Did they continue shooting from the CIO headquarters after then?

A. No, they did not.

Q. How many men did you see rounded up by the National Guard trucks that night?

A. Well, I saw several, maybe two or three trucks taking men out. I will say there was from eight to ten men in a truck, or in other words, 24 to 30 men on the three trucks.

Q. Did you see anybody throw stones that night?

A. I did not.

Q. Before the five shots were fired, did you see any stones thrown?

A. I did not.

Q. Did you hear any?

A. I did not.

MR. LAUTER: That's all.

MR. DAY: That's all.

MR. LAUTER: Just one second.

Q. (By Mr. Lauter) When did the ambulances come up?

A. When did the ambulance?

Q. That's right.

A. Shortly after the first round of shooting.

Q. How much time elapsed between the first and second round?

A. Well, not over five to ten minutes.

Q. In between five and ten minutes, the ambulances came up?

A. They did.

Q. How long did the ambulances stay there?

A. Well, several of them was there up until 2 o'clock and after.

Q. I am asking you between the first and second rounds, how long did the ambulances stay there?

A. Between the first and second?

Q. Yes.

A. Half an hour to three-quarters.

Q. And how many ambulances came up?

A. I know there was two—I am not sure about the third one.

Q. In between the first and second volley?

A. Yes, sir.

Q. What did the ambulances do?

A. Well, they stood there on the corner of Oberlin Road and Cleveland Avenue quite a while. Then the one ambulance drove up on Cleveland Avenue, loaded up one person, took them to the hospital.

Q. Where did they load them from?

A. From up around headquarters. Then the—Well, I won't say directly in front of headquarters, but in that vicinity.

Q. Didn't they take someone out of headquarters?

A. I don't know.

Q. Did you see where the man came that they loaded into the ambulance?

A. Sir?

Q. Did you see where the man came from that they loaded into the ambulance?

A. I did not.

MR. LAUTER: That's all.

MR. DAY: That's all, sir.

(Witness excused.)

HOWARD SPEES

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Day) What is your name?

A. Howard Spees.

Q. Where do you live?

A. Ohio Avenue, N. E. Massillon.

Q. What is your business?

A. Motor inspector.

Q. Republic Steel Corporation?

A. Republic Steel.

Q. How long have you worked for Republic Steel Corporation?

A. About three and one-half years.

Q. How long have you lived in Massillon?

A. Well, all my life.

Q. Married man?

A. Yes, sir.

Q. Were you working for Republic Steel Corporation on Sunday, July 11 last?

A. Yes, sir.

Q. What shift were you working on?

A. 3 to 11.

Q. From 3 in the afternoon until 11:00 at night?

A. Yes, sir.

Q. What time did you leave the plant that night, if you left?

A. I hit Oberlin Road about 11 o'clock.

Q. Were you driving your car?

A. Yes, sir.

Q. Your own car?

A. Yes, sir.

Q. Anybody else with you?

A. Yes, sir.

Q. How many men?

A. One man.

Q. Was he somebody worked in the mill also?

A. Yes, sir.

Q. And where were you bound for?

A. Home.

Q. And which way did you drive after you left the mill?

A. We turned east on Oberlin Road.

Q. Down Oberlin Road?

A. Turned east on Oberlin Road.

Q. East on Oberlin Road?

A. Yes, sir.

Q. Then which way did you go?

A. Across the viaduct, up South Erie.

Q. Now just tell us what, if anything, happened while you were driving up South Erie that night on your way home from work?

A. Well, just as I hit Oberlin Road why the shooting started. There was three or four cars ahead of me and I kept following them cars across the viaduct, and there was a traffic jam on the end of the bridge, and the Massillon police was trying to get that straightened out. Well, they got that straightened out and they run us up South Erie.

Q. Now, as you went up South Erie what happened?

A. One block north of the viaduct I left this man out, that is where he lived, and as I started out there was a crowd along the sidewalk on both sides, and they started throwing stones. One of the stones happened to hit my headlight.

Q. Hit your headlight?

A. Yes, sir.

Q. What happened to the headlight?

A. It broke.

Q. And about where was your car when the stone was thrown that broke the headlight?

A. About in the middle of the block.

Q. And what block is that?

A. Well, I don't just recall the name of the street.

Q. Well, how far north of the viaduct intersection was it?

A. A block and a half.

Q. How many stones were thrown?

A. Oh, three or four.

Q. Could you tell from what side of the street the stones came?

A. Both sides.
Q. What if anything else did you see happen?
A. There was a car drove up alongside of my automobile and tried to crowd me into the curb.
Q. And what if anything else—

MR. LAUTER: Just one second. I move the answer be stricken, this man's judgment about whether they tried to crowd him, as incompetent, irrelevant and immaterial.

TRIAL EXAMINER LINDSAY: Oh, I will let it stand. Objection overruled, let the record show an exception.

MR. LAUTER: An exception.

Q. What, if anything, did you notice about that car?
A. I saw that it had CIO stickers on its windshield.
Q. And how many men were in that car?
A. Four.
Q. What, if anything, did they do or say?
A. Why, they called me a scab and vile names.
Q. Then what did you do?
A. Why, I stepped on the gas and got away from them.

MR. DAY: I think that's all.

Cross Examination

Q. (By Mr. Hoskins) Mr. Spees, how long did you say you worked in the mill, please?
A. Three and one-half years.
Q. Your job there was as motor inspector?
A. Yes, sir.
Q. Have you been motor inspector all that time?
A. Yes, sir.
Q. Were you working on May 25th?
A. Yes, sir.
Q. Did you stay in the mill that night?

A. Yes, sir.

Q. How long were you in the mill?

A. Nine days.

Q. You were in there nine days?

A. Yes, sir.

Q. During the time that you were in the mill those nine days, Mr. Spees, how many hours a day did you work?

A. Eight hours.

Q. And how many hours a day were you paid for?

MR. DAY: I would like to save the record. I will object to this on the ground improper cross examination.

TRIAL EXAMINER LINDSAY: Objection overruled. Let the record show an exception.

MR. DAY: Exception.

Q. How many hours a day were you paid for?

A. 14.

Q. 14?

A. Yes, sir.

Q. And when did you go back to the mill after you left at the end of nine days?

A. The 4th of July.

Q. You went back the 4th of July?

A. Yes, sir.

Q. How did you happen to go back on that day?

A. I called them up.

Q. You called who?

A. My boss.

Q. Who is your boss?

A. J. D. Kelvie.

Q. When did you call Mr. Kelvie?

A. Saturday.

Q. That was the preceding Saturday?

A. Yes, sir, the 3rd.

Q. Is that the first conversation you had with him?

A. Yes, sir.

Q. Since you went out?
A. Yes, sir.
Q. Had you talked to any others of your superiors?
A. No, sir.
Q. Did he tell you to come back on the 4th?
A. He told me to come back on the 4th.
Q. Did you sign a Back-to-Work petition?
A. I did.
Q. Whereabouts?
A. Chamber of Commerce Building.
Q. At whose request did you sign it?
A. My own.
Q. Had anyone asked you to sign it?
A. No.
Q. Had anyone told you about it? How did you know that it existed?
A. I read it in the Independent, that they were circulating them, signing them in the Ohio Merchants Bank Building.
Q. Do you remember what day you went down there to sign?
A. No, I don't just recall.
Q. Who all was up in the office when you went up to sign the Back-to-Work petition?
A. There was two or three men there that I don't know them by name.
Q. Were there any that you did know?
A. No.
Q. These two or three men that you don't know by name, had you ever seen them before?
A. Oh, yes.
Q. Where had you seen them?
A. Around the mill office.
Q. Around the mill office? Do you know what they do at the mill?
A. No, I couldn't tell you.

Q. By "in the mill office" do you mean they were clerks or what?

A. I imagine they were foremen or something, clerks, in charge of the mill there.

Q. Now, you say on July 11th you were working from 3 to 11:00?

A. I was.

Q. Do you know what time you rang out that night?

A. About 10:50.

Q. About 10:50?

A. Yes.

Q. What gate did you drive up?

A. No. 2 gate.

Q. Referring for a moment to Respondent's Exhibit No. 1 here; this is Oberlin Road running through the center.

A. Yes, sir.

Q. I call your attention to this roadway indicated on here and marked "No. 2 Entrance." Is that the road out of which you drove?

A. Yes, sir.

Q. Now, whereabouts on this map was your car parked when you got into it?

A. My car was not parked on that road. It was by the blast furnace.

Q. Where is the blast furnace with reference to any of the objects on this map?

A. Well, back of this building (indicating).

Q. But you are coming out of this road, is that right?

A. Yes, sir.

Q. Do you have any idea when you passed this spot marked "Gate House" on that map?

A. Why, I would say 11 o'clock.

Q. 11 o'clock?

A. Yes, sir.

Q. Did you see any accumulation of automobiles on the road at the gate house at that time?

A. No, I didn't.

Q. Do you remember whether there were any cars there at the gate house?

A. No, there wasn't. I was out on Oberlin Road at 11 o'clock.

Q. You were not stopped by the police as you went out?

A. No.

Q. How wide is that road there?

A. 25 or 30 feet.

Q. When you, as you say, turned into the road you heard some shooting?

A. Yes, sir.

Q. When you first heard shooting do you know when it was?

A. As soon as I hit Oberlin Road.

Q. As soon as you got on Oberlin Road?

A. Yes, sir.

Q. You told us that was around 11 o'clock?

A. 11 or a few minutes after.

Q. Could you describe the shooting you heard then?

A. No, I just heard the shooting, that was all.

Q. How many shots did you hear?

A. I can't remember; I didn't count them.

Q. Approximately?

A. I couldn't count them. I didn't try to count them. I had enough trying to keep on the road.

Q. Could you tell from what direction those shots came from?

A. They came from the C. I. O. headquarters on Cleveland Avenue.

Q. Did you see the flashes of guns?

A. Yes, I seen flashes.

Q. Could you tell which direction the shots were mov-

ing?

A. No, I couldn't tell that.

Q. Now, you say you turned off and turned south on Erie Street?

A. North on South Erie Street.

Q. North on South Erie Street?

A. Yes.

Q. Then you say about a block and a half away, what happened?

A. A block and a half away he left me off. Later on was where the stones were.

Q. Now, how many men were down there?

A. In the neighborhood of 50 to 75 strung along there—parked alongside.

Q. How many stones hit your car?

A. Two.

Q. Two stones?

A. Yes.

Q. One hit the headlight?

A. Yes.

Q. Where did the other one hit?

A. The other one hit the hub cap.

Q. Could you see the men who threw the stones?

A. No.

Q. Could you recognize any of them?

A. No.

Q. You don't know who threw the stones that hit your car?

A. No.

Q. You don't know?

A. No.

MR. HOSKINS: At this time, Mr. Examiner, I move to strike all of the testimony of this witness relative to the stone throwing. There is no evidence at all here to connect it up with any parties in this case or any of the issues in this case.

TRIAL EXAMINER LINDSAY: I am taking that motion under advisement.

Q. Now, this car that you testified about that approached you as you drove down the street, the men shouted some language after you?

A. Yes.

Q. Did you recognize any of those men?

A. No.

Q. Had you ever seen any of those men before?

A. No, sir.

MR. HOSKINS: That is all.

MR. PONTIUS: That is all.

(Witness excused.)

(Recess had.)

TRIAL EXAMINER LINDSAY: The hearing is called to order.

HORACE T. WERTZ

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Day) State your name, please.

A. Horace T. Wertz.

Q. Where do you live, Mr. Wertz?

A. In Massillon, Route 2.

Q. What is your business?

A. Fireman; locomotive fireman.

Q. Locomotive fireman for what Company?

A. Republic Steel.

Q. Republic Steel?

A. Yes, sir, in Massillon.

Q. How long have you worked for Republic Steel?

A. Four years the 3rd of last month.

Q. Were you working for the Republic Steel on the night of Sunday, July 11th?

A. Yes, sir.

Q. What was your turn then?

A. 11 to 7.

Q. That is 11 o'clock at night to 7 o'clock in the morning?

A. Yes, sir, 11 o'clock at night to 7 o'clock in the morning.

Q. Just tell what happened that night; just tell what you saw.

A. We went to work about—relieved the crew about twenty-five minutes of 11:00. We got the locomotive ready at the blast furnace, understand, blast furnace division, and shortly after 11 o'clock, the conductor told us to pick up an empty open top ladle and go to the open hearth and bring another one back.

So we picked up this ladle and went down the hill, that is, to go down to the open hearth furnace, we go down along the hill to the south about—in the neighborhood of half a mile, when we cross over and come back up to the open hearth, from three-quarters to a mile. We left those switches, when we passed through the three switches, we left them lined for us to come back, because there was no other crew in there, we knew that. We went up to look up this other ladle, we took coal on the engine and got hold of this ladle and it had been relined, and all we heard there had been some trouble, that is all. We didn't know nothing about that, and went back, started back to the furnace. Going down towards the bottom of the hill, I told the engineer, I says, "Now we better watch our heads a little bit."

Q. Don't tell what you told the engineer. This was at the main plant in Massillon?

A. Sir?

Q. This is at the main plant in Massillon?

A. Yes, sir.

Q. Don't tell what you told the engineer, just tell what happened?

A. Well, we went back to the bottom of the hill, what we call it from the blast furnace; when we got to the switches, we found everything against us, every switch was turned against us, which we had left lined for us when we went up.

Q. Yes, sir.

A. And I figured then that we was—

Q. Don't tell what you figured, just tell what happened.

A. All right, so the brakeman rode the front end or the back end, rather, we were backing up—rode right out there in the open, got off and throwed the first switch, the second and the third. We backed right through and started up the hill. Of course, they were ahead of us then on the caboose, ahead of an open top ladle, ahead of our locomotive. We got about 100 feet north of the switch, I heard a stone hit the cab. Well, I was already in the clear and I hadn't any more than heard that one until the engineer—two of them come in by his head on his side and he hollered to me, "Duck."

I said, "You are a way late on this ducking stuff, because I have been that way, I suspicioned it."

Well, we went on up the hill, the ground crew never knew nothing about this until we got up to the scale house.

Q. About how many stones were thrown at your train?

A. Well, I picked up four, I don't know how many more hit, that didn't come in, but four came in the cab and laid there on the deck until we got up to the furnace.

Q. That occurred about what time of the night?

A. Well, it was right after 11 o'clock when we went down, I would judge that was in the neighborhood of an hour later, I would say, after midnight.

MR. DAY: That is all. Just wait a minute, these gentlemen may want to ask some questions.

MR. HOSKINS: Mr. Examiner, we move to strike all of the testimony of this witness. There is nothing to show any connection of the incidents he has related with any of the parties in this case.

MR. DAY: It was all the same night, the 11th of July, down in the same plant, and about midnight.

TRIAL EXAMINER LINDSAY: Yes, I know what the witness testified. Yes, I will grant that motion.

MR. DAY: Note an exception.

TRIAL EXAMINER LINDSAY: Let the record show an exception.

MR. DAY: That is all.

MR. HOSKINS: That is all.

MR. DAY: That is all.

(Witness excused.)

GEORGE MAC KENZIE

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Day) State your name.

A. George MacKenzie.

Q. Where do you live?

A. 517, 7th S. W. Massillon.

Q. What is your business?

A. Engineer.

Q. For what company?

A. Republic Steel.

Q. How long have you held that position?

A. Since 1923, I will say 14 years.

Q. Were you working as an engineer on that night of Sunday, July 11th?

A. Yes, sir.

MR. DAY: I want to say to the Trial Examiner that the testimony of this witness will be to the same effect as the testimony of the last witness.

MR. HOSKINS: In that event, if your Honor please, we object at this time to the introduction of any evidence or any testimony from this witness, on the same ground.

TRIAL EXAMINER LINDSAY: You may proceed. I will rule on the motion when made.

MR. DAY: All right.

Q. Now, where were you about midnight that night?

A. At 12 o'clock I was at the open hearth, coming back from the open hearth.

Q. Where is the open hearth located?

A. Oh, I can't just say the distance from the blast furnace. It is located on the south side of Oberlin Road.

Q. Well, is it part of the Republic plant over there?

A. Yes, sir.

Q. And were you acting as an engineer on the engine?

A. Yes, sir.

Q. Now, just tell us what happened.

A. I can't tell you any more than what Mr. Wertz said, we were going to take the ladle to the open hearth, to get it relined.

Q. Go ahead.

(The last answer was read.)

A. Yes, sir.

Q. Go ahead.

A. On our way back we found the switches lined

against us, as Mr. Wertz said, the switches were all lined against us.

Q. Where was it that you found the switches lined against you?

A. Right at the foot of what they call the blast furnace hill that serves the plant, alongside of the B & O side. After they were lined back into position, we went right through them and started up the hill. Went around 100 feet I would say, until the rocks began to fly.

Q. How many rocks flew?

A. Oh, well, there were a good many, I know there were four came in the cab, and I know a good many went on the outside of my head, on the outside of the cab.

Q. Did you recognize anybody who threw the rocks?

A. No, sir.

Q. You don't know who they were?

A. No, I don't know.

Q. About how large a crowd were they?

A. I couldn't say. It was dark.

MR. DAY: That is all.

Cross Examination

Q. (By Mr. Hoskins) Mr. MacKenzie, do you know how it happened that the switches were lined against you on your return trip?

A. I don't know who turned them.

Q. You don't know?

A. No.

MR. HOSKINS: Well, then, at this time, Mr. Examiner, we move to strike out all of the testimony of this witness for the same reasons stated in connection with the witness Horace T. Wertz, there being no connection, no evidence of who threw the rocks; any kid might have thrown the rocks for that matter.

TRIAL EXAMINER LINDSAY: Yes, I will grant that motion. Let the record show an exception.

MR. DAY: Exception. That is all, Mr. MacKenzie.

(Witness excused.)

DAVID DIAMOND

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Pontius) What is your name?
A. David Diamond.
Q. Where do you live, Mr. Diamond?
A. In Massillon, 709 South Erie.
Q. Where do you work? Where are you employed?
A. Republic Steel, Massillon.
Q. How long have you been working there?
A. Four years.
Q. In what department?
A. Shipping department.
Q. Now, do you know a man by the name of Yourny?
A. Sparos Yourny.
Q. Sparos Yourny?
A. Yes, sir.
Q. Do you know where he was employed prior to the strike?
A. Yes.
Q. Where did he work before the strike?
A. He worked chipper too.
Q. Same room that you worked in?
A. Yes.
Q. Do you know whether or not he belonged to the C. I. O.?

A. Yes, he belonged to the C. I. O.

MR. LAUTER: Just a moment. Is that shipper or chipper?

A. Yes, chipper.

Q. Now, did you have any conversation with this man at any time?

A. No, none.

Q. At your home?

A. He came one day about the 14th of July in the house.

Q. He came to your house on the 14th of July?

A. Yes, at 9 o'clock.

Q. What?

A. 9 o'clock at night.

Q. 9 o'clock at night?

A. Yes.

Q. Was there anyone with him?

A. No, I don't see no one.

Q. Now, did you have a talk with him or did he have a talk with you at that time?

A. Yes, he came in my house and he told me: "You work down there—" "You come back to the Republic Steel and work?" I says: "Yes, sir." He told me: "Don't you go any more because I cut your head off." And then he go away. Two days later he meet me outside the house, and he catch me when I come back from work and he told me: "Don't you go any more for work because I smash your head, I break your head, cut everything else."

Q. Anything else said?

A. He stay about 20 minutes and tell me lots of things.

Q. What did he say?

A. He told me: "Fucker, and son-of-bitch." Lots of things.

Q. Now, anything else said at that time? Anything more said than you have told us?

A. He told me lots; I don't know—about 20 minutes.

Q. What else did he say, if anything?

A. He told me: "Don't you go to work because if you don't go to work Company sign with Union."

Q. Now, was there anybody there when you had this conversation?

A. Yes.

Q. Who was present?

A. One more man, George Banagiot.

Q. Who?

A. We call him George Banagiot.

Q. What if anything did you say to this Mr. Yourny? What did you say?

A. I no tell him anything.

Q. What?

A. I no tell him anything. He mad like hell. He asked for trouble, you know, I no tell him anything.

MR. DAY: I believe that is all.

Cross Examination

Q. (By Mr. Lauter) Now—

MR. LAUTER: Will you read that last answer of the witness?

(The last answer was read.)

Q. Your name is David Diamond?

A. Yes, sir.

Q. You are in the chipping department?

A. Yes, sir.

Q. How long have you worked there?

A. Four years.

Q. In the same department all the time?

A. Yes, sir, the same one.

Q. Do you know when the strike took place?

A. The strike?

Q. Yes. Do you remember about a strike being held?

A. Yes, sir, I remember.
Q. You remember?
A. Yes.
Q. When did that take place?
A. The 25th of May.
Q. Where were you working that day?
A. Yes—no, I no work on that day.
Q. Did you work the next day?
A. No, before.
Q. When did you go back to work?
A. I come back to work on the 8th of July.
Q. The 8th of July?
A. Yes, sir.
Q. Now, who was your foreman?
A. My foreman is Mr. Peppert.
Q. Mr. Peppert?
A. Yes, sir.
Q. Now, do you know Mr. Angstadt?
A. What?
Q. Now, do you know Mr. Angstadt?
A. No.
Q. Did you have a conversation with Mr. Peppert before July 8th?
A. No.
Q. Didn't he come to your house?
A. No, never.
Q. You didn't speak to him?
A. No.
Q. Did you call him on the phone?
A. No.
Q. How did you know to come back on July 8th?

MR. DAY: I object to this line of questioning as not proper cross-examination.

TRIAL EXAMINER LINDSAY: Overruled. Let the record show an exception.

MR. DAY: Exception.

A. I remember.
Q. What?
A. I remember the day.
Q. How did you go to come back to work on July 8th? Why did you go to work on that day?
A. Because I see plant was starting to work.
Q. Wasn't it working on the 7th?
A. No.
Q. Why didn't you go back to work on the 7th?
A. Because I no have machine.
Q. What is that?
A. I no have machine to go to work.
Q. How did you go to work on the 8th? By machine?
A. Yes, sir.
Q. Who took you to work?
A. Some of my friends who go into work, too.
Q. What is the name of the man with the machine?
A. George Skadanes.
Q. Is he a foreman?
A. No.
Q. What kind of work does he do in the mill?
A. Chipper like me.
Q. Did he tell you that he was going back to work on July 8th?
A. What?
Q. Did you see him before you went back to work?
A. Yes.
Q. You saw him on July 7th?
A. Yes.
Q. Did you have a conversation with him then?
A. No.
Q. Did you speak to him?
A. No; only I asked him if he wants to take me in his machine and he says: "All right, I will take you."
Q. Did he tell you he was going to work on July 8th?

A. Yes.

Q. Did he tell you anything about whether his foreman told him to come to work?

A. No.

Q. You both had the same foreman?

A. We change foremen every day there.

Q. Did you sign a Back-to-Work petition?

A. Yes, sir.

Q. Where did you sign it?

A. At the Ohio Merchants Bank.

Q. When did you sign it?

A. I signed—I don't remember the day but I went a week before I go back to work.

Q. How did you happen to go there to sign the petition? How did you know they were signing petitions there?

A. Some of my friends told me.

Q. Didn't the foreman tell you?

A. No, he don't see me—foreman.

Q. You are sure you didn't see the foreman?

A. Sure; no.

Q. When you left the plant on May 25th or May 24th—

A. May 24th.

Q. —you didn't go back to work until July 8th?

A. Yes.

Q. Did you see Mr. Peppert in between May 24th and July 8th?

A. No.

Q. You never spoke to him?

A. No.

Q. Didn't call him on the telephone?

A. No.

Q. He didn't call you?

A. No.

Q. Now, on July 14th you had a conversation with Mr. Yourny?

A. Yes, sir.

Q. What is his first name?

A. Sparos—Wanges.

Q. Sparos Yourny?

A. Yes. I am not sure. That is what I think in my language.

Q. Now, you say he is a member of the C. I. O.?

A. He is a member.

Q. Are you sure?

A. Sure, because he told me: "Don't you go to work if you know—"

Q. Wait a minute. Is that the only reason you say he is a C. I. O. member; is that correct? Because he told you not to go to work?

A. Yes.

Q. That is the only way you know he is a C. I. O. member, is that correct?

A. Yes, sir.

Q. Now, on July 14th, what did he say to you?

A. He told me close to 9 o'clock in my house—

Q. Where were you at that time?

A. In my house.

Q. Who else was there?

A. And he told me: "No, you go to work down there to Republic Steel because I am going to cut your head off." Then he run away.

Q. Then he ran away?

A. Two days—

Q. Just a moment. We will come to that. How long did he stay there when he had that conversation with you?

A. The first time?

Q. That is right.

A. Only he go.

Q. Where do you live?

A. 709 South Erie, Massillon.

Q. What kind of house is that? Is it a frame house or a brick house?

A. Frame house.

Q. How many stories are there?

A. One story and the rooms upstairs; I live upstairs.

Q. You live upstairs?

A. Yes, sir.

Q. How many flights up to the rooms where you live? How many stairs up there?

A. Stairs?

Q. Yes.

A. 10 or 12.

Q. Did he come up the stairs to see you?

A. No, we went downstairs. He found me in the kitchen.

Q. He found you in the kitchen?

A. Yes, sir.

Q. You are married?

A. Yes, sir.

Q. Did he come in the kitchen?

A. Yes.

Q. What rooms are there before you get to the kitchen?

A. Store there.

Q. What is that?

A. A store.

Q. It is a store?

A. Yes.

Q. You have to walk through the store to get to the kitchen?

A. Yes.

Q. Did he walk through the store?

A. Yes.

Q. What kind of store is it?

A. A beer garden.

Q. What is that?

A. A beer garden.

MR. DAY: What is that?

THE WITNESS: A beer garden.

Q. You live in the back of the beer garden or you live upstairs?

A. I live upstairs but the beer garden is in the back.

Q. You were in the kitchen when he came in?

A. Yes.

Q. How many more people were in the kitchen?

A. One more.

Q. What is his name?

A. George Kokenos.

Q. This is at 709 South Erie Street, is that right?

A. Yes.

Q. Did George Kokenos hear your conversation with Sparos?

A. Yes.

Q. He heard every word of it, is that right?

A. Yes.

Q. Now, how many people were there in the beer garden?

A. I don't know; I don't see at that time—

Q. He was there about 9 o'clock?

A. Yes.

Q. Weren't you there?

A. Yes.

Q. Weren't there some people in the beer garden at that time?

A. I don't know.

Q. Weren't there a couple of people there?

A. I can't tell you.

Q. When you came down to go into the kitchen—

A. I was in the kitchen two hours before; I was cooking—

Q. Now, after Mr. Sparos said to you—spoke to you, he ran out of the room?

A. Yes.

Q. Do you know whether or not he ran out of the beer garden?

A. No, he ran right out through the beer garden; right out to the street and go.

Q. What did Sparos say to you? He was going to cut your head?

A. Yes.

Q. Is that all?

A. If I go to work any more.

Q. Is that all he said to you?

A. Yes, sir.

Q. You didn't say anything to him?

A. No.

Q. Did you say anything to Mr. George Kokenos?

A. Well, after Sparos ran out I told George—

Q. What did you say to him?

A. He said—George told me—"Maybe that guy is crazy."

Q. Who said it, you?

A. Yes, me.

Q. You said: "Maybe that guy is crazy?"

A. Yes. If he talk like that guy to cut heads off of the mens.

Q. He sounded to you like a crazy man?

A. What?

Q. He sounded to you like a crazy man?

A. That is what George told me. He might be crazy if he start to cut head off of the people.

Q. What did you say to George?

A. Oh, nothing.

Q. What?

A. I laughed with him.

Q. You laughed at the man who came in and ran away?

A. No, I laughed with George.

Q. Did you say anything to George?
A. I told him the same thing.
Q. What did you tell him?
A. I don't remember.
Q. Now, try and remember what you said. George said he sounded like a crazy man and you laughed?
A. Yes; I told George: "Maybe he is crazy."
Q. You said: "Maybe he is crazy, too?"
A. Yes.
Q. Now, you saw the same man again?
A. Yes, sir, he meet me outside.
Q. Outside where?
A. Outside the house.
Q. Were you alone outside or was someone with you?
A. At that time George was with me and he talk with me.
Q. Then this man that seemed like a crazy man came again on July, met you with George, and then said he was going to smash your head?
A. Yes, and everybody down in the mill.
Q. And everybody down in the mill?
A. Yes, sir.
Q. Did you have any conversation with George after he left?
A. Oh, yes.
Q. What did you say to him?
A. George told me: "Why, maybe he is going to hit you."
Q. What did you say to George then?
A. I no afraid.
Q. You weren't afraid?
A. No.
Q. He didn't frighten you at all?
A. No.
Q. This man whom you said seemed crazy?
A. No.

Q. Now, you don't know whether he is a CIO man, do you?

A. Yes, I know, because—

Q. Wait a minute. Do you know or don't you know? Do you know whether he is a CIO member?

A. I no see no button.

Q. You didn't see a button?

A. No, I no see.

Q. You don't know whether he is a member, do you?

A. Well, I know he is a member because he talked mad like.

Q. That is the only way you know?

A. Yes, sir.

Q. He didn't tell you he was a CIO member, did he? He didn't tell you that he was a CIO member, did he?

A. He didn't tell me he was.

MR. HOSKINS: That is all. I move that the testimony of this witness be stricken on the ground it is not connected up with any of the parties to this action.

TRIAL EXAMINER LINDSAY: Oh, I will overrule that motion. Let the record show an exception. Any other questions?

MR. PONTIUS: No, that is all.

(Whereupon, at 5:30 p. m., September 9, 1937, an adjournment was taken to 9 o'clock a. m., September 10, 1937.)

Courtroom No. 1, Stark County Courthouse, Canton, Ohio
Friday, September 10, 1937

The above-entitled matter came on for hearing, pursuant to adjournment, at 9 o'clock a. m.

Before:

John T. Lindsay, Trial Examiner.

Appearances:

Mark Lauter, Esq., Oscar Grossman, Esq., and Joseph A. Hoskins, Esq., appearing for the National Labor Relations Board.

Luther Day, Esq., Thomas F. Veach, Esq., and Arno G. Erdrich, Esq., (Cleveland, Ohio), and H. C. Pontius, Esq., (Canton, Ohio), appearing for the Respondent.

PROCEEDINGS

TRIAL EXAMINER LINDSAY: The hearing is called to order.

MILTON J. BETZ

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Pontius) You are Mr. Milton J. Betz?
A. Yes, sir.
Q. Where do you live, Mr. Betz?
A. 1008 Fourth Street, N. E., Canton, Ohio.
Q. Canton?
A. Yes, sir.
Q. How long have you lived in Canton?
A. All my life.
Q. How old are you?
A. 32.
Q. Are you a married man?
A. No, sir.
Q. Now, where are you employed?
A. Republic Steel.
Q. At what Division of Republic Steel?

A. Stock rolling mill.

Q. Is that in Canton, Ohio?

A. Yes, sir.

Q. How long have you been employed there?

A. Approximately 11 years.

Q. What is the character of your work?

A. I am a bar shear man.

Q. Shear man?

A. Yes, sir.

Q. Were you working on the 25th day of May of this year?

A. Yes, sir.

Q. When did you quit working on that day; what turn were you on?

A. I was on the day turn; quit at 3 o'clock.

Q. Quit at 3 o'clock?

A. Yes, sir.

Q. Did you go back—did you attempt to go back at any time?

A. On the morning of the 26th I went out and I saw a picket line around the plant.

Q. On the morning of the 26th?

A. Yes, sir.

Q. What were the conditions there on the morning of the 26th?

A. Well, they just had approximately 30 pickets there and they said there was a strike on; you can't go in.

Q. What if anything did these pickets have?

A. I didn't see anything at that time.

Q. When next did you go back to work?

A. I can't say for sure; it was the day—the first day that we could get back under protection.

Q. Do you know about when that was?

A. I don't know the exact date.

Q. Now, do you know where you were on June 11th of this year?

A. Yes, sir.

Q. Where were you on that day; on the evening of that day?

A. I was out talking to my dad where he is a night watchman at the Canton Malleable.

Q. Where is that Company with respect to the stock rolling mill?

A. It is across the creek on 13th Street.

Q. Do you know where Bandi's Hall is?

A. Yes, sir.

Q. Where is that Company located in reference to Bandi's Hall?

A. Approximately four blocks away.

Q. Now, don't state any conversation with your father. What if anything occurred there that evening?

A. Well, after I talked to Dad; after I left when I came outside four fellows grabbed me and said I was going to make an attempt to get some fellows into the mill.

Q. Do you know who those four fellows were?

A. No, I don't.

Q. What time of the day was that?

A. It was around 10 o'clock in the evening.

Q. It was dark at that time?

A. Yes, sir.

Q. After they grabbed you, what if anything took place?

A. They just took me in a car and took me to Bandi's Hall.

Q. Was that your car or some other car?

A. No, I don't own a car.

Q. Tell the manner of their putting you in the car.

A. Well, I saw there was no reason to resist—

Q. What did they say to you?

A. They said they were going to take me over and work out on me.

Q. What happened after that?

A. Well then, they took me over to Bandi's Hall and took me down into the cellar. Just as soon as I got down the steps I got a crack on the head and I didn't know any more after that.

MR. LAUTER: I object to this line of testimony as not connected with any issues in this case and not connected with any parties in this case.

TRIAL EXAMINER LINDSAY: For the time being, I will overrule the objection. Let the record note an exception.

MR. LAUTER: Exception.

Q. You say you got a crack over the head. What, if anything, did you observe?

A. A piece of gas pipe. I saw it coming at me but I couldn't get out of the way of it.

Q. Did you recognize anyone in the hall at that time?

A. Yes, sir.

Q. Whom did you see there?

A. A fellow that works over in the tin mill by the name of Freddie Grauer.

Q. What, if any, connection did he have with the C. I. O., if you know?

A. Well, he is a—he must be a member, he was down there and had a badge on himself and seemed to have a lot to say.

MR. LAUTER: I move that the statement of the witness that he seemed to have a lot to say be stricken from the record.

TRIAL EXAMINER LINDSAY: Yes, that is stricken.

Q. What, if anything, did you observe on him there?

A. He had a badge on him, that is all.

Q. What kind of a badge?

A. One of them little yellow badges.

Q. Were you familiar with the kind of a badge that the C. I. O. men wore at that time?

A. Yes. Yes, it says C. I. O. right on there.

Q. Now what, if anything, happened to you there after that?

A. Nothing. When I came to there was nobody around me, I just got up and walked out and went to the hospital, that is all.

Q. What hospital did you go to?

A. Aultman hospital.

Q. How long did you remain there?

A. Two days.

Q. What was your physical condition?

A. I got three gashes on my head about two and one-half inches long. My mouth was busted open. I was black and blue all over.

Q. What, with respect to your sides, how were they?

A. Well, every rib there, you could see where they, I imagine, put the boots to me.

Q. Well, you can't say what you imagine.

A. They were all black.

Q. How about your back?

A. I had a place on my back about eight inches wide.

Q. Now, you walked out—

MR. LAUTER: May I have the last answer read?

(The last answer was read.)

THE WITNESS: Black and blue.

Q. Whereabouts on your head were these gashes?

A. One was right here in front, the hair does not grow back in yet. The other one on the side, the other one back here.

Q. Indicating in the back of your head?

A. Yes, sir.

Q. Were you ever at Bandi's Hall on other occasions?

A. Yes, sir, I was taken there the night of the 18th of June.

Q. Now, on the evening of June 18th where were you?

A. Martindale Road and 26th Street, I was.

Q. In the City of Canton?

A. Yes, sir.

Q. How did you go there?

A. I went there in a machine with a man named Anderson.

Q. What is Anderson's first name?

A. Raymond.

Q. Raymond Anderson?

A. Yes.

Q. Now, where is Martindale Road and 26th Street in this city? What part of town?

A. Northwest. It is located right up Market Street.

Q. The main street of the town running north and south is Market Street?

A. Yes, sir.

Q. Now about how far from the center of town is that point, would you say?

A. Oh, I should judge a mile and a half, maybe.

Q. Now, how did you happen to go up there?

A. Well, we were told—heard that there was a Back-to-Work Movement went on, and we went up, and we were going to go to work.

Q. This man that you were with, was he an employee of Republic?

A. Yes, sir.

Q. Whose car did you have?

A. His car.

Q. Now, what time did you go up there?

A. Why, it was just around 6 o'clock, a few minutes before or after, I couldn't say.

Q. Who, if anybody, did you see when you got there?

A. Well, there were, I imagine, 15 cars around there, a bunch of fellows that I work with and I thought that everything was all right.

Q. Well, not what you thought, that may go out. Now move forward and tell what happened there.

A. Just as we got out of the car why these fellows started down Market Street and they come over to where we was and they said, "There is the guy we had last week," and said, "there is Dan Allen, company representative with him, too.

Q. Whom did you see there outside of this crowd—who were the men that you saw that you recognized up there?

A. I recognized Jerry Birchfield, Alec Kulic, and Bob Moore.

Q. Do you know whether or not those men were CIO men?

A. Yes, sir.

Q. Were they?

A. Yes, sir, they are.

Q. You say Dan Allen and this man you have named were there?

A. Yes, sir, I was talking to Dan.

Q. You were talking to Dan? Out of your car or in your car?

A. I had just got out.

Q. Where was Dan?

A. Dan was coming towards me and he was, well, when I first saw him I imagine he was 20 feet behind me. Then he started towards me and just as we started to talk is when they came up.

Q. Now, just go forward and tell what happened there with respect to yourself and Allen or anything else.

A. Well, they took me in one car and took Dan in another and as they took me across to the other side of the street, one of them hit me in the back with a club.

Q. How did they take you across the street?

A. They dragged me across.

Q. Just describe that as fully as you can.

A. Well, I didn't want to go back for any more, and I tried to pull away from them and they jerked me right on across the street?

Q. How many men?

A. There was three.

Q. What, if anything, did you see with respect to Dan Allen, there?

A. They took Dan Allen, they started a different direction. I don't know where they took him.

Q. How many men did you see about him?

A. Oh, there was more than three with him.

Q. Who is Dan Allen?

A. Dan Allen works over at the Alloy side. I used to live neighbors with Dan, that is how I knew him.

Q. Now, did you know any of these men that took you in the car?

A. No, I did not.

Q. What part of the car did they put you in?

A. They put me in the front seat.

Q. And just describe what these men did as you went?

A. Well, as they took me across the street and this one fellow hit me on the back with a club, one guy said "Get in here". Then after they got in the car, these three fellows got in the back and there was a fellow in the front with me and he had a red sticker on his car "Official Car". So on the way coming back, just as we left the police came and they hollered out of the—they run the windows up so they couldn't hear me.

Q. That is, some police came up there before they—you left the place?

A. We were just leaving as the police drove up.

Q. Did you know these fellows?

A. One fellow said, "We are not supposed to take him to Band's Hall." One of the fellows in the back, and the driver said, "Yes, that is my orders," so he turned around,

I don't know which roads he went over or anything like that, but he went around about—

Q. Was that daylight at that time?

A. It was still light, yes, sir.

Q. All right.

A. He went a round about way and took me to Bandi's Hall. When I got there, this Homer Downer says, "Oh, you are back for more".

Q. Who is Homer Downer?

A. Homer Downer is president of All Nations Lodge.

Q. That is a CIO Lodge?

A. Yes, sir.

Q. Did you see anybody else in the hall that you recognized?

A. Yes, sir, Martin Beckner, Johnnie Johns.

Q. Who is Martin Beckner?

A. Stark County Lodge.

Q. Who is Johnnie Johns?

A. Secretary of All Nations local.

A. (Continuing) This Martin Beckner was in there, Johnny Johns.

Q. Who is Martin Beckner?

A. He is head of the Stark County C. I. O.

Q. Who is Johnny Johns?

A. Secretary of the All Nations Local.

Q. Now, did you see any other men in there that you recognized?

A. I didn't know the men at that time that was got beat up.

Q. You can't say that.

MR. PONTIUS: That may go out by consent.

Q. Did you see anybody else?

A. No, sir.

Q. At that time that you recognized?

A. No.

Q. Did you know a man by the name of Charles McGaughey?

A. Yes, sir, I did.

Q. Did you know him at that time?

A. No, I didn't.

Q. Do you know him now?

A. I know him now, yes.

Q. I will ask you if you saw him that night.

A. Yes, I did.

Q. Now, where did they take you?

A. They took me—well, there is a a main—there is a main hall there and off to the side there is a little room. It is marked "Special Room, Private." They took me back there and locked it.

Q. Whom did you see in that room?

A. That is where I saw Johnny and this Beckner and this Johnny Johns.

Q. Where did you see this man McGaughey?

A. He was in there at that time.

Q. Any other persons in that room at all, can you recall?

A. About six—there were six besides myself and Chuck McGaughey.

Q. Now, what happened to you, if anything?

A. Nothing happened to me then.

Q. Nothing occurred there except what you have related?

A. Well, they just turned around and called me a stool pigeon at that time and said: "You ought to have sense enough to keep out of the hospital after you just got back."

Q. Anything else said?

A. I don't believe at that time.

Q. Now, you observed the condition of Mr. McGaughey?

A. I did, yes.

Q. Describe what you saw with reference to him.

A. He was stripped to his waist and just had his trunks and his shoes. One eye was black and he had body marks on.

Q. Anything else?

A. There was a sign on him when they took me in.

Q. What did you see; state with respect to that.

A. They said they were going to make him walk the street that way.

Q. Did you see anything on that sign?

A. The only thing I could make out was "Scabs."

Q. Now, when you got down to Bandi's Hall that night, state what you saw on the outside of the hall there.

A. Oh, there was maybe 500 women there and a bunch of men. I couldn't see how many because they rushed me in right through.

Q. Now, how did they rush you in?

A. Why, them there fellows—the fellow that drove the car didn't take me down; he left right there.

Q. How did they take you down?

A. Just pulled me on through the crowd.

Q. In what way? Just describe how they pulled you through.

A. I didn't want to go again. I was making all the effort to get away from them.

Q. How did they do it?

A. They had me by the arms.

Q. Where did they have you by the arms?

A. Right around here (indicating).

Q. Indicating the forearm and the upper arm?

A. Yes.

Q. Well, where in respect to the side or in the front?

A. One was on each side.

Q. I will ask you if you went into that hall voluntarily?

A. No, sir.

Q. I will ask you if you struck a woman down there that night?

A. No, I didn't.

Q. Now, what happened then while they had you by the arm. Now, go forward and tell what happened.

A. They just told me I was next—they no more than said that when the police came in.

Q. The Canton City police, do you know?

A. Yes, sir.

Q. Then what happened?

A. They said: "What is going on here?" Beckner said; "Nothing." They said: "Now, how come this man has got his clothes off?" They said: "He is going to walk the street that way." They said: "Oh, no, he isn't." They told him to get his clothes on. While that was going on, they told me to get dressed. While I was getting dressed this one policeman took me outside into the City car.

Q. Do you know who that policeman was?

A. Yes, sir, called George Young and another Frank Bernowski.

Q. Where were you taken?

A. I was taken to the Police Headquarters.

Q. Any other person taken with you?

A. Yes, sir, McGaughey.

Q. McGaughey?

A. Yes, sir.

Q. What was McGaughey's condition?

A. Well, he had a black eye and several other marks on him—black and blue marks.

Q. What happened when you got to the police station?

A. Well, they didn't make any report on me because I hadn't been molested. After I left the police station I started to walk up north of Market Street.

Q. That is the police station in the center there?

A. Yes, sir. I turned onto Fourth Street to go home

and I met a fellow by the name of Morris, and I was standing there talking to him.

Q. Don't tell the conversation. You can't do that. What happened after that?

A. He told me there was a fellow wanted to see me.

Q. Who is Morris?

A. Morris is a motor inspector out there at the stock division.

Q. After that where did you go?

A. I went to Sixth and Market where this fellow was. There was a couple of fellows there, Matt Burns and Charles Burket.

Q. Who are they?

A. They worked out to the mill where I was.

Q. Did you have some talk with them?

A. Yes.

Q. Then where did you go?

A. Then I started toward Sixth Street to my home. Just as I got to the corner, why this car turned up and they said: "There he is; go get him." So I turned around and I ran up towards the police station.

Q. Then you left the police station again?

A. Then I left the police station in a City car.

Q. You were sent home?

A. Yes.

Q. Now, do you know about what time it was when you got home that last time?

A. About 15 minutes after 8.

Q. What occurred then after that?

A. That night?

Q. Yes, that night, if anything?

A. Well, I went home to change my clothes and I started to go back up town. I saw these three fellows standing at the corner right up to my house but I didn't pay any attention to them, and they walked slow in front of me.

Q. Do you know who these three fellows were?

A. No, I don't.

Q. How did you happen to leave your home again that night?

A. Well, I got a call that somebody wanted to talk to me.

Q. What did you learn about that call?

A. It was a fake.

Q. A fake?

A. Yes.

Q. What if anything else occurred that night?

A. On Sixth Street between that place there is where these three fellows tackled me. One of them had a mallet about that long (indicating)—a wooden mallet; another had a black jack. The third one didn't have anything.

Q. Did you have some scuffle there?

A. Yes, sir.

Q. You succeeded in getting away from them?

A. Yes, sir.

Q. Now, did you have any medical attention in respect to what happened on this night of June 18th to you?

A. Just an orderly there from the Mercy Hospital which was about a half a block from where I was, and he said: "You need some medical attention." And he went with me back home and he fixed me up; an orderly from Mercy Hospital.

Q. Now, going back to the evening of June 11th, what was your physical condition? What took place that evening?

A. Pretty bad shape.

TRIAL EXAMINER LINDSAY: What was that answer?

(The last answer was read.)

MR. DAY: That may go out.

Q. Not that.

A. In what way do you mean?

Q. After that attack, where did you go on the night of June 11th?

A. To the Aultman Hospital.

Q. First, where did you go?

A. When do you mean?

Q. After the assault?

A. To the Sheriff's office.

MR. LAUTER: I object to leading questions.

THE WITNESS: I went to the Sheriff's office.

TRIAL EXAMINER LINDSAY: Yes. Let us try to refrain from leading questions.

Q. You said that you got up and left Bandi's Hall?

A. And I went to the Sheriff's office.

Q. Where was the Sheriff's office with respect to Bandi's Hall?

A. It is three blocks away.

Q. What was the condition of your body in respect to how you looked and all that?

A. My clothes were all bloody, my mouth was busted open, I had a black eye. My head was busted open in three places.

Q. How did you go to the hospital?

A. With a taxicab.

MR. PONTIUS: That is all.

Cross Examination

Q. (By Mr. Lauter) Why didn't you take a taxicab when you went out of the hall?

A. There is no phone down there.

Q. Did you go to the Sheriff's office to make a call?

A. Yes, sir, that is the nearest place.

Q. Is that the nearest place you could make a call?

A. I wanted to get away from the hall.

Q. Was three blocks away the nearest place you could make a call?

A. The nearest I could see. I wanted to make a call.

Q. How many blocks do you say it is from Bandi's Hall to the sheriff's office?

A. About three blocks.

Q. Are you sure it is three, not six?

A. No, it is not six.

Q. Can you name the streets?

A. Why, you just come over to Belden Avenue, off Belden onto Mahoning and it is right on Mahoning.

Q. Three blocks.

A. Not any more than that.

Q. You testified to a number of meetings.

A. Yes, sir.

Q. Contact with a number of people that threatened to beat you, can you identify any person?

A. One person I can identify that struck me, is Freddie Grauer.

Q. When did he strike you?

A. The 11th—on the night of the 11th of June.

Q. Where was he when he struck you?

A. Standing right in front of me at Bandi's Hall.

Q. Where, in Bandi's Hall were you?

A. I had just got off the steps.

Q. The steps of what?

A. Of the cellar, where you go down into the cellar.

Q. On the way down into the cellar or on the way out? Were you on your way in or out of the cellar?

A. On my way in.

Q. Where did he hit you?

A. Hit me right in the mouth.

Q. How long did you work at the mill?

A. Approximately 11 years.

Q. Did you work on May 26th?

A. No, sir, the last turn I worked was the 25th of May.

Q. When did you go back to work again?

A. I don't know just exactly the date, the first day that the troops were here.

Q. Sometime in July?

A. It was in July sometime—No, it wasn't July. Yes, that is right, sure, it was July.

Q. Did you ever try to take any men back into the mill?

A. No, sir, I have not.

Q. Who is your foreman?

A. Phil Floto.

Q. Before going back to work did you have any conversation with him?

A. No, sir, I did not.

Q. Did you sign a Back-to-Work petition?

A. Yes, sir, I did.

Q. Where did you sign it?

A. I signed it of my own free will, right over here.

Q. I am asking you where you signed it.

A. Right over here on the corner of West Tusc and Cleveland Avenue.

Q. And when did you sign it?

MR. DAY: May we make the same objection we made before, that it is not proper cross examination of this witness?

TRIAL EXAMINER LINDSAY: The objection is overruled. Let the record show an exception.

MR. DAY: An exception.

A. I just don't know the date, but it was before we went to Martindale Road, though.

TRIAL EXAMINER LINDSAY: You were permitted to go into that type of cross examination on the other side, and they should be permitted on this side.

MR. DAY: I am just saving the record, your Honor.

TRIAL EXAMINER LINDSAY: All right.

Q. How long before you went to Martindale Road?

A. A day or two before.

Q. Where did you say you signed it?

A. Right over here at the corner of West Tusc and Cleveland Avenue.

Q. Whose office?

A. It is nobody's office.

Q. What sort of an office is it?

A. It is an old bank, the bank isn't there any more.

Q. What time of the day did you sign it?

A. Around 1 o'clock.

Q. Who was there when you signed it?

A. Well, there was a fellow by the name of Don Starky.

Q. Who is he?

A. Works out at the mill where I was.

Q. What is his position?

A. Roller.

Q. Roller?

A. Yes, sir.

Q. It is one of the highest paid jobs in the mill, is it?

A. Yes, sir.

Q. He is, in effect, a boss?

A. No, he has charge of a crew, he is not a boss. He is only responsible for his iron. He is a boss in a sense, but he has no right to hire or fire.

Q. Who else were there?

A. A fellow by the name of—I can't think of his name—Murphy, I don't know his first name, but that is his last name.

Q. What is his position, do you know?

A. He is a rougher.

Q. Does he have men working for him, too?

A. No, he does not.

Q. What was your conversation with these men?

A. I met them right over here and we went over and

signed. I asked them if they were going to sign Back-to-Work Movement, and they said yes, they were tired of loafing.

Q. Where did you meet them?

A. Right over here at the corner of West Tusc.

Q. Did you have an appointment to meet them?

A. No, sir, I did not.

Q. On June 18th you testified that Mr. Beckner said, "We are going to make him walk the streets." Referring to whom is that?

A. What is that?

Q. Who was he referring to?

A. This Chuck McGaughey.

Q. The police came in that night, is that right?

A. The police were right there when that remark was made.

Q. And did they arrest him?

A. No, they did not arrest him.

Q. Did they arrest any C. I. O. men that night?

A. They didn't arrest nobody that I saw.

Q. Did you suggest to them that they might be arrested for what they had done?

A. No, I was glad to get out, I didn't suggest nothing.

Q. Did you ever complain to the police about your treatment on June 11th and 18th?

A. Yes, sir.

Q. Was anything done about it?

A. In what way?

Q. Well, was any action taken on it? Has anybody been arrested?

A. No, there has not been.

Q. Were you active in the Back-to-Work Movement?

A. Only to sign it, that is all I done.

Q. Is that the only thing you ever did?

A. Yes, sir.

Q. Do you know what position Martin Beckner has in the union?

A. What is the question?

Q. Do you know what position Martin Beckner has in the union?

A. Why, he is head of the Stark County C. I. O.

Q. Do you know what position Johnnie Johns has?

A. Secretary of All Nations Lodge.

Q. Do you know what position Homer Downer has?

A. He is president of All Nations Lodge.

Q. You are not a member of the C. I. O.?

A. No, I am not.

Q. You never have been?

A. I have been, yes, sir.

Q. When were you a member?

A. I was a member before I was beat.

Q. How long were you a member?

A. I joined the C. I. O. that afternoon that I was beat up, June 11.

Q. Were you ever a member before that?

A. No, sir.

Q. When did you stop being a member?

A. I stopped being a member, isn't once or twice enough?

Q. Don't ask me questions. When did you stop being a member?

A. Right then.

Q. That same day?

A. My dues were paid. I suppose I automatically was put out.

Q. What time of day did you join?

A. Around 2 o'clock.

Q. Where did you join?

A. Right at Bandi's Hall.

Q. You came in yourself?

A. Yes, sir, I came in myself.

Q. Nobody took you in?
A. No, sir.
Q. You were not molested, were you?
A. I was not molested.
Q. Who called you a stool pigeon?
A. Homer Downer.
Q. Do you know what a stool pigeon is?
A. Yes, I do.
Q. Are you one?
A. No, sir.
MR. LAUTER: That's all.
MR. PONTIUS: That's all.
(Witness excused.)

JOHN G. STEWART

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Day) State your name, please.
A. John G. Stewart .
Q. Where do you live?
A. 1432, 16th Street N. W. Canton.
Q. Are you a married man?
A. Yes, sir.
Q. How long have you lived in Canton?
A. It will be 15 years the first of this coming year.
Q. What is your business?
A. I am a sheet mill worker.
Q. Employed where?
A. Republic Steel, south division.
Q. In Canton?
A. Yes, sir.
Q. For how many years have you worked for Republic?

A. It will be 15 years the 1st of January.

Q. When I say "Republic" I mean either Republic or some of the companies succeeded by Republic. Where is the South Division?

A. It is at the southern end of Harrison Avenue, in the city limits, rather southwest of the Timken plant proper.

Q. Do you remember when the strike occurred in Republic in Canton?

A. Yes, sir.

Q. Were you working at that time?

A. Yes, sir.

Q. Did I ask you what you did for Republic? If not, I ask you now.

A. I am a sheet mill roller.

Q. Did you stop working the day the strike was called?

A. No, sir, we worked up to Saturday morning following the Tuesday.

Q. The strike was called on a Tuesday and you worked up until that Saturday?

A. Saturday morning.

Q. At the south division?

A. Yes, sir.

Q. Well, then did that division close down, then?

A. In the morning about 5 o'clock, daylight; I suppose there was 50 or 60 pickets or whatever you wanted to call them, 85 per cent, I presume at least, with clubs surrounding the plant.

Q. I am just asking you now whether or not—that may go out as far as I am concerned—Did the South Division close down? That is what I am asking you.

A. Yes, sir.

Q. About that Saturday?

A. Yes.

Q. Do you recall where you were on the afternoon of June 18th last?

A. Yes.

Q. Where were you in the afternoon?

A. In the first place I was down here at the city hall and I was spokesman of a meeting of Back-to-Work Movement of the men, with the Mayor.

Q. About what time did that take place?

A. I believe at the time that we had the appointment with the Mayor was 11 o'clock.

Q. Well, now, did you see the Mayor?

A. Yes, sir.

Q. About how many men were down there, or were there?

A. I judge there was twelve or fifteen hundred men.

Q. You say the Back-to-Work Movement.

A. Yes, sir.

Q. What, if anything, did you have to do with that? Were you a member of any committee or anything of the kind?

A. I was chosen by a group of workmen to act as the spokesman.

Q. Of that Back-to-Work?

A. Back-to-Work Movement, asking for protection.

Q. I will ask you whether or not you were chosen by the men?

A. Yes, sir.

Q. Now, what men did you mean when you say "they"?

A. Well, a group of men then was doing guard duty principally around town, working out of the Belden Hotel.

Q. Working out of the Belden Hotel?

A. Guarding the homes of families of non-strikers which were working in the plant.

Q. By the way, can you give us any idea how many men stayed at work in any of these plants in Canton after the strike was called?

A. We, in the South Division, stayed in 100 per cent

up until this Saturday morning. Out at what we term the Alloy Division, northeast end, in the Alloy there was in the neighborhood of two thousand.

Q. Stayed at work?

A. At work. The Stark division, which shut down, was approximately close to 1000 men there that they sent out when the called the strike.

Q. That is the alloy division men stayed there all during the time after the strike was called up until the troops came in?

A. Yes, sir.

Q. And the Stark men, you say about 1000 stayed how long?

A. In the evening that the strike was called, they sent them back out, told them they were going to close the plant.

Q. Well, did the Stark shut down at that time?

A. They did.

Q. Now, what took place down there at this conference with the Mayor?

A. There was a committee of six of us that were to see the Mayor personally, were in the Mayor's office with three or four newspaper reporters, waiting on the Mayor. I had went out into another office, and the secretary of the Mayor introduced Mr. Beckner to me, telling me he wanted to talk to me.

Q. Mr. Martin Beckner?

A. Martin Beckner.

Q. Did you know him before that?

A. No, I did not know him until that time.

Q. Did you have a talk with him then?

A. Yes, sir.

Q. What was said?

A. He asked me if he could talk to the committee.

Q. Yes?

A. I told him he could, there was nothing to hide. I took him into the room, the Mayor's office, rather, where our

committee was, introduced him. He went on to tell us if we went ahead with this meeting, that we were taking blood on our hands, we would have blood on our hands. I want here to correct the statement that he made on the stand.

Q. No, no, don't do that. We will come to that. Go ahead, what else was said?

TRIAL EXAMINER LINDSAY: Now, just who made the statement?

THE WITNESS: A statement that he made, Mr. Beckner made pertaining—

A. (Continuing) And I give Mr. Beckner permission to talk to the Committee which he did and left.

Q. Did you have a conference with the Mayor that day?

A. Yes, sir.

Q. Now, I will ask you whether or not you were influenced to any extent in becoming a member of this Committee by any officer of the Republic?

A. No, sir.

Q. Now, after you had your talk with the Mayor, where did you go?

A. After I had the talk with the Mayor I went down to the Belden Hotel.

Q. About what time of the day was that?

A. I judge it was one o'clock when we got out of there.

Q. Did you go up to Martindale Road that evening?

A. Yes, sir.

Q. About what time?

A. I left the hotel about 5 o'clock.

Q. How did you go out to Martindale Road?

A. In Mr. Schauer's car.

Q. What is his first name?

A. Phillip.

Q. Anybody else go with you?

A. Mr. Stokoe.

Q. What is his first name?

A. Raymond.

Q. Now, Martindale Road, as I understand it, is a continuance of Market Street that runs up right east of the court house right here?

A. It runs off of Market.

Q. It runs off Market?

A. Yes.

Q. How far is Martindale Road from Market Street from the Court House here?

A. I didn't hear that question.

Q. How far east from the Court House? How far up the street is Martindale Road? How far from the Public Square?

A. I would say it is a mile and a half.

Q. North?

A. Yes, from the Court House.

Q. Were you driving a car?

A. Mr. Schauer was there.

Q. You were riding in it?

A. I was riding in it.

Q. When you got to Martindale Road, what, if anything, did you observe?

A. The fact that there was nobody there.

Q. Nobody there?

A. Nobody there; that is, parked at the time we arrived.

Q. Now, just tell us what happened after that.

A. We arrived there and stopped the car; saw cars cruising around the cross-walk in a triangular direction—there is a small road off Martindale Road that runs in a triangular direction. Seen possibly eight or ten cars. These cars began to stop where we were parked. These men started to unload—I was sizing them up and I began to figure—

Q. Don't tell what you began to figure.

MR. DAY: That may go out by consent.

THE WITNESS: O. K.

Q. Mr. Stewart, just tell us what you saw and what you did.

A. These men got out of the cars; they came up around to our car and asked us what we were doing there.

Q. First, did you recognize any of the men?

A. I recognized one. I can name one of the men, Mr. Cooley.

Q. What is his first name?

A. Clyde.

Q. Clyde Cooley?

A. Yes, sir.

Q. Where had you known him before? Had you seen him before?

A. I met him the first time to know him, who he was, when we attempted to hold our election in the auditorium; possibly the week previous.

Q. Now, what if anything were these men wearing?

A. They had C. I. O. buttons on; some of them had clubs and—it was somewhat dark—some of them had stickers on their cars.

Q. Just tell the Trial Examiner what transpired there.

A. These men started surrounding us and one there asked what we were doing there. I told them I was expecting to meet a few friends there. The man that seemed to be acting as spokesman for the group, he said: "What about these friends?" I said: "Men that are interested in going back to work. They began talking about taking us back to headquarters. One of the party proceeded to frisk me. I said: "Brother, you don't have to frisk me. I never carried a gun in my life and I don't intend to now."

Q. What do you mean by "frisking?"

A. Well, he went over me, all over my body, coming down.

Q. Did you have a talk with him while he was frisking you? Did you say anything to him or he to you?

A. No, he didn't say nothing to me and I didn't say nothing to him while he was frisking me. Well, they kept talking about taking us to headquarters. They put Mr. Schauer and I in one car. Then somebody said: "Take them in separate cars." So they took me out and put me in a separate car and took me to Bandi's Hall.

Q. Before they took you to Bandi's Hall, was anything said by them?

A. Not to any degree.

Q. Now, could you tell anything that was said?

A. Nothing more than taking me to headquarters.

Q. Did you see anything?

A. No.

Q. Did you say anything?

A. No.

Q. How many were riding in the car on the way to headquarters?

A. Two in a car. A model A coupe—in the car I was in.

Q. Did you know either of those men?

A. No.

Q. Now, where did you go then?

A. Went down to Maple Avenue, to Bandi's Hall.

Q. That would be in which general direction?

A. Well, we went due east, then south until we came to 12th Street. From that, east again, and then south into Bandi's Hall.

Q. Did you get to Bandi's Hall?

A. Yes.

Q. Then tell the Trial Examiner what happened when you got there.

A. We arrived at Bandi's hall and got out of the car. We were standing around there. I was speaking to them.

Q. Do you recall what was said?

A. Nothing more than bidding the time of day.

Q. When you got to Bandi's Hall, did you see anybody there?

A. Yes, I seen there possibly a couple of, or 300 at the outside.

Q. What did you see or what happened?

A. Well, started taking me down in the basement. Somebody hit me over the back on the shoulder.

Q. Did you see who it was?

A. No, I didn't.

Q. Then what happened after you were hit in the manner that you have described?

A. You mean where it was?

Q. Yes.

A. I was hit at the head of the stairs at Bandi's Hall on the way to the basement.

Q. Then what happened?

A. We arrived at the foot of the stairs. The party that brought me down, he left me there. Mr. Cooley walked up in front of me—that was the man that I seen on the road. I said: "Well, we will meet again." He declined to talk.

Q. Now, whom else did you see there?

A. I seen a party by the name of Mechin.

Q. Who is he?

A. He is a workman at our plant; the South Division.

Q. Who else if anybody was there?

A. Mr. Beckner.

Q. Martin Beckner?

A. Martin Beckner and Mr. Sweeney.

Q. Who was that?

A. Guy Sweeney.

Q. Guy Sweeney?

A. Yes.

Q. What took place after you saw those men in there?

A. Everybody walked away from there. I stood there

a little bit and walked over and pulled up a folding seat and sat down.

Q. Anything else? Go forward and tell us what happened, then.

A. And I spoke to him; and I sat down alongside of him—why,—

Q. Who do you mean by him?

A. A party came up to me and I spoke to him. He sat down alongside and I talked to him. I told him it was due to a difference of opinion as to why I was in there. "This will never settle it as far as I am concerned."

Q. Do you know who that man was?

A. I don't know. He was very diplomatic.

Q. Do you know whether or not he was a C. I. O. man?

A. I don't. He had shirt sleeves and no hat.

Q. Were you carrying on a conversation?

A. I asked him where he worked and he told me. I told him where I worked. We stayed there for a while and then two officers came in. They walked up past where I was towards this anteroom in the room which is called a special room. I immediately thought that this was my opportunity.

Q. Not what you thought. What you saw and what you did.

A. I immediately got up, walked up to those men. I says: "Men, they have got two of my men in the back room being held against their wishes."

Q. Who were those two men?

A. Mr. Schauer and Mr. Stokoe.

Q. Go forward and tell us what happened then.

A. One officer started to go into the back room. The other officer, Mr. Bernowski, was with me. There was possibly 10 or a dozen started surrounding me.

Q. What do you mean? Officer of what?

A. An officer of the law; a policeman.

Q. A policeman?

A. Yes, sir.

Q. Go ahead.

A. These men started surrounding me in a menacing attitude; threatening me. I started backing up. I was at one end of the hall and I started backing up towards the other end. They called me back—called me to take my glasses off. I declined. Mr. Berkner was cautioning them to hold back. Mr. Beckner seemed to be the main aggressor. We was practically at the back of the room. Mr. Bernowski and I—he reached down towards his holster and said: "Stop." In the meantime one party which grabbed my glasses off, he handed my glasses back to me. Mr. Bernowski had stopped him.

Q. You say Mr. Bernowski; who is he?

A. He is an officer of the law.

Q. Go forward.

A. At that moment he said: "Come on, let us get out of here." This man Beckner said: "We will get you yet, you yellow son-of-a-bitch. You are lucky." These words was repeated by about a dozen about my being lucky and so on. Mr. Bernowski takes me out of the steps out of Bandi's Hall and out into a police cruiser. We had no sooner gotten there than some men and women surrounded the police cruiser which had probably—

Q. Did you get out of there all right?

A. Yes, sir.

Q. You were not assaulted except what you have told?

A. Except this rap on my shoulder.

Q. Well, while you were in this place, I think you said something about Schauer and Stokoe. Did you see anything transpire there with relation to Stokoe and Schauer?

A. When I arrived there before the officers came they brought Mr. Stokoe and Schauer in. Mr. Stokoe—

Q. Just tell us what you saw happen.

A. Mr. Stokoe, they were beating. One man had him

by the left arm throwing it over and over, kind of coming over with it like this (indicating). I saw Stokoe when they brought him in and took him in this special room. Mr. Schauer came down—he wasn't being molested.

Q. You stated something about a meeting or a proposed meeting at the auditorium. What was done?

A. This strike that we were anticipating about—years before we had had a strike and had taken a vote on it and found out it was a small minority. The plan of the men—the opinion of the strikers was to take a vote—I mean that it was the opinion of this minority to see how many men was in favor of it.

Q. Now, you say it was the plan of the men?

A. Yes.

Q. I want you to be a little more definite about that. Was that discussed?

A. Yes.

Q. Was that just before the strike was called?

A. Yes, sir.

Q. Where was it discussed?

A. Well, it was more by the men in the northeast plant which you understand I am in the southeast division.

Q. Did you attend any of those discussions?

A. No.

Q. You weren't there yourself?

A. No.

Q. After the strike was called, did you attend any discussion of the men concerning the taking a vote on the strike?

A. Yes, sir.

Q. Was the strike in Canton on the 25th the—

TRIAL EXAMINER LINDSAY: Just a moment. This was after the strike was called?

MR. DAY: Yes.

TRIAL EXAMINER LINDSAY: I don't think it is material at all.

MR. DAY: What is that?

TRIAL EXAMINER LINDSAY: I don't think it is material at all.

MR. DAY: Well, I would like to state the purpose of it.

TRIAL EXAMINER LINDSAY: Not on the record.

MR. DAY: All right. Not on the record.

(Discussion had.)

(Discusison held off the record.)

(Recess had.)

MR. DAY: Reserving the right, if the Court please, to recall this witness upon any other phases of the case concerning which he has knowledge, we now close our direct examination.

TRIAL EXAMINER LINDSAY: The right to recall this witness is granted.

Cross Examination

Q. (By Mr. Lauter) How long have you worked at the mill, Mr. Stewart?

A. It will be 15 years, the 1st of January.

Q. You are a roller, is that correct?

A. Yes, sir.

Q. When the strike was called, you stayed in the plant?

A. Yes, sir.

Q. You stayed until the Friday following the Tuesday the strike was called?

A. We were not bothered with pickets is the reason we stayed.

Q. I asked you whether you stayed in the plant until Saturday after the Tuesday the strike was called?

A. No, I went back home after my turn, and went back and forth to work.

Q. You went there every day?

A. Yes, sir.

Q. How many hours a day did you work after the strike was called?

A. After the strike was called I didn't work any. That is, after this Saturday morning.

Q. Until the Saturday morning, how many hours did you work?

A. Until Saturday morning I worked 32 hours.

Q. How many hours each day?

A. Eight.

Q. How much did you get paid for?

A. Approximately $28 a day.

Q. Well, did you get paid for eight hours or for more than eight hours?

A. I worked six days that week, the last day they paid time and a half time, that was the sixth day in the week.

Q. I mean for this particular period, did you get more than your regular pay?

A. No, sir, except the sixth day in the week.

Q. How many people do you have working under you?

A. In the crew ten or twelve.

Q. And did they work during the period that you have now described, from Tuesday to Saturday?

A. Yes.

Q. And when did you go back to work after Saturday?

A. Friday previous to the 4th of July, would be about the 2nd, I believe.

Q. Did the ten men that were working under you go back at that time?

A. The majority of them did.

Q. Did you have any conversation with them before they went back?

A. Some of them had been to my home wanting to

know what they were going to do about getting back to work.

Q. Had you been to any of their homes?

A. No, too busy.

Q. Name some of the men you had conversations with.

A. Mr. Deamer.

Q. What was the conversation you had with him and where did you have it?

A. Well, I couldn't tell you definitely when we had it. He was to my home several days different times during the period.

Q. You told him when to come back?

A. No.

Q. When did he come back?

A. On this Friday previous to the 4th of July.

Q. You say you had conversations with him before he went back?

A. Yes, during the strike.

Q. How many conversations did you have with him?

A. I couldn't tell you that.

Q. Do you remember any of them?

A. I don't remember more than pertaining to the strike, his views.

Q. What were the statements pertaining to the strike?

MR. DAY: Who is this talk with? A man named Deemer, now?

MR. LAUTER: That's right.

MR. DAY: Has he been identified?

MR. LAUTER: An employee there, works under this man.

MR. DAY: All right.

A. That he felt we ought to get together and go in on it. That was his theory. I was advocating--

Q. Was that your theory too?

A. No.

Q. What was your theory as you expressed it?

A. My theory, that it was just a case of you inviting trouble, possibly some of the men hurt.

Q. When was the date of this conversation, approximately?

A. I can't tell you that definitely.

Q. In July?

A. July—June.

Q. The latter part of June?

A. I couldn't say definite.

Q. Or the early part of July?

A. It was in either one. Quite a few times.

Q. You had a conversation in which you said—repeat what you said to him.

A. Yes.

Q. Repeat that again, please?

A. Pertaining to going back to work, he picked—

Q. What did you say?

A. Pertaining to going back to work.

Q. What did you say? Repeat what you said, the theory that you expressed, it might be inviting trouble?

A. Yes, providing they would go down there with force in a body, to go in.

Q. This was the latter part of June or early part of July?

A. During June and July, more so June, I would say.

Q. You testified about doing some guard duty?

A. Yes, sir.

Q. When did that start?

A. Shortly following the strike.

Q. How shortly?

A. Well, I would say within the first week.

Q. Did that particular guard group have any name?

A. No.

Q. How many were there in the guard?

A. Well, possibly they had 30 to 35 men.

Q. How was that organized?

A. By the men.

Q. By whom?

A. Well, I was one of them.

Q. When did you start to form men?

A. Possibly a week after the strike was called. Violence—

Q. I asked you when you started? About a week after?

A. I presume a week.

Q. Where did the first meeting take place?

A. Down in the Belden Hotel.

Q. Did you call that meeting?

A. No, sir.

Q. Who did?

A. It was an informal gathering, just there.

Q. Who called the people to that gathering, informal gathering?

A. There was no call. We met there.

Q. How did you happen to meet there?

A. That was the headquarters we had for such things as trying to keep the morale of the families of the workmen that was in the plant up.

Q. Who had their headquarters there? Who had headquarters?

A. We had them.

Q. Who is "we"?

A. The workmen.

Q. Now, who paid for those headquarters there?

A. I don't know.

Q. You don't know who paid?

A. No.

Q. What was your activity in connection with this group?

A. Well, I was possibly to a certain degree more or less supervisor, having these boys stationed around the

homes where they were being threatened, molested, windows broken, dynamited, and so forth.

Q. You testified about dynamiting, do you know about any houses being dynamited?

A. I know of a house after it was dynamited.

Q. Do you know who did it?

A. I couldn't say definitely.

Q. Now you tell me who called together that crowd, or suggested they meet—that a meeting be held of the group that was going to do guard duty?

A. It was just to get these men together. We began to get complaints from homes, women scared and nervous, we started putting in—

Q. I am asking you where and when this took place; you said Belden Hotel, is that correct?

A. That is correct.

Q. Give me as near as you can the day that took place.

A. The date?

Q. This meeting of that group of 30 or 35 men.

A. Well, the day that they aimed to have our election, that they broke our plans up, down here, would not permit us to have an election, we went directly over there.

TRIAL EXAMINER LINDSAY: Just a minute, strike that out of the record, on the election. Read the question.

(The question was read by the Reporter.)

A. I would say we started meeting immediately following the strike, some of us. As the strike went on, we grew.

Q. Did you start the day after?

A. I couldn't say.

Q. Two days after?

A. I couldn't say definitely.

Q. Give me your approximation of how soon afterwards? A day or two or three or four.

A. I would say that it was within that time.

Q. Within three or four days?

A. Yes.

Q. Did you take space at the Belden Hotel within that space of time also? Did you arrange for getting space?

A. No, sir.

Q. Who did?

A. I couldn't say definitely.

Q. You say you couldn't say definitely?

A. I couldn't say, I believe that it was Mr. Lappin.

Q. Who was Mr. Lappin?

A. One of our workmen.

Q. Do you know what arrangements were made for space there?

A. No.

Q. How much space did you have there?

A. Two rooms.

Q. Were any funds collected by this guard group, or the group of men that met at the Belden Hotel?

A. Your question again, please?

Q. Were any funds collected by the group that were on guard duty, or the group that were interested in getting the men back to work?

A. Funds? What do you mean by any funds?

Q. Money?

A. Money, yes, but I know—but how do you mean this? Money collected by them?

Q. I don't know how it was collected, I am asking you whether it was collected by this group?

A. No.

Q. They never collected any money at all?

A. No.

Q. What were some of the other expenditures they had, besides having rooms at the Belden Hotel?

A. Paying these men that were doing guard duty.

Q. The pay for them?

A. They were paid.

Q. By whom?

A. By Republic Steel.

Q. Who were the men who were on guard duty?

A. Well, there was one—

Q. Just one second.

A. I was one.

Q. You were one?

A. Mr. Stokoe.

Q. He is the man you testified had been out to Bandi Hall? Go ahead, is Schauer another?

A. Yes.

Q. Name some more?

A. Dan Allen.

Q. Who else?

A. There was quite a few of them.

Q. There were 30 or 35?

A. Yes, 30 or 35.

Q. How many more can you name?

A. Why, Deffenbaugh.

Q. Who else?

A. A fellow by the name of Hyler.

Q. Who else?

A. This man Lappin.

Q. Lappin was the man who arranged for the rooms at the Belden Hotel, is that correct?

A. I couldn't say definitely on that.

Q. You think so? Who else was there?

A. Well, there was men in and out of there, now I don't know how many of them definitely. They were all on this—

TRIAL EXAMINER LINDSAY: This is off the record.

(Discussion held off the record.)

THE WITNESS: I couldn't say for a fact that

I even know these men were paid, as far as that is concerned.

Q. Now, there were about 30 or 35 of these guards, is that right?

A. (Witness nods head.)

Q. Well, do you know that is so? Isn't that so?

A. I couldn't know the exact count.

Q. Well, approximately 30 or 35?

A. Yes.

Q. These were all paid by Republic Steel Corporation?

A. I don't know that.

Q. Well, you were paid?

A. I was.

Q. How much did you receive?

A. My average daily wages.

Q. When did you start receiving your average day's wages?

A. After I went on duty there.

Q. When did you go on duty there?

A. Within the first couple or three days after the strike.

Q. Was that the day after the strike?

A. (Witness nods.)

Q. You have never lost a day's pay, have you?

A. No.

Q. All during this strike, you have been paid, is that correct?

A. I was working, yes.

Q. Well, you were not working in the plant, were you?

A. I was working for Republic Steel.

Q. That is right.

A. In guarding the homes.

Q. You were guarding homes?

A. Yes.

Q. Working for Republic Steel, guarding homes?

A. Of their employees who were being molested.

Q. Now, who else was paid for guarding the men?

A. I couldn't say.

Q. Do you know whether Stokoe was paid?

A. I don't know.

Q. Schauer?

A. I don't know.

Q. Do you know if Dan Allen was paid?

A. I don't know.

Q. Never had any conversation with him about being paid?

A. No.

Q. Now, when you are on guard duty, did you carry any weapons on you?

A. No.

Q. Did any of the other guards carry any weapons?

A. Not to the best of my knowledge. They had at the homes where they were at.

Q. What is that?

A. They had weapons at the homes where they were at. Shotguns. The majority of home owners had asked for protection and most of them had weapons.

Q. Know who had shot-guns?

A. The guards.

Q. All those 30 or 35?

A. Not all.

Q. How many would you say?

A. Well, I can't answer that.

Q. Do you know one of them?

A. No.

Q. Where did they get the shot-guns, from the Republic Steel Corporation?

A. No.

Q. Do you know where they got them from?

A. From friends and some of the families had them where the men were working.

Q. How long did you do guard duty out there?

A. Up until the guards came in there—the National Guards.

Q. Who requested you to do guard duty?

A. Among the men we started to protect the homes from complaints that were coming in. Complaints about women and homes being broken—women molested.

Q. Did you have any conversation with any of the officers of the Republic Steel Corporation? That is, about guarding the homes?

A. No.

Q. But you knew you were going to receive pay for guarding the homes?

A. No.

Q. You did receive pay?

A. Yes, I did receive pay.

Q. Now, was it at the Belden Hotel that they had—

A. No.

Q. What activities went on?

A. About guarding homes mostly.

Q. What else went on?

A. Our group—our group that we selected to go to the Mayor.

Q. Did you spend most of your time at the Belden Hotel?

A. Yes.

Q. Tell me what you did in the course of a day.

A. In the course of the day the biggest part of the job was around those homes that was being threatened.

Q. Did you go around to the homes? The ones that were being threatened?

A. Yes, sir.

Q. You did?

A. Yes.

Q. You also protected some of the men in going to their homes?

A. Yes, sir.

Q. Some of the men were employees or were they all employees?

A. All.

Q. Now, was there any particular section of town that you covered?

A. No, we had the complaints coming from all over.

Q. When did you start doing that? A day or two days after the strike?

A. Well, a day or two. The first week that they started this violence. It didn't start immediately when the strike was called.

Q. What didn't start immediately?

A. Such as breaking of windows and so on.

Q. That didn't start immediately?

A. No, it was a couple of days after.

Q. About how long was it that the first act of violence was reported to you?

A. It was very shortly after.

Q. Was it three or four days or a week or what?

A. When we got the complaint we arranged to get a man there to go around.

Q. I am asking you what the time was with respect to the time that the strike took place, that the first complaint was received by you.

A. That I couldn't say definitely.

Q. Approximately? A week or—

A. Within the first week.

Q. Within six or seven days?

A. Less than that.

Q. Now, when was your Committee formed, before or after?

A. The Committee just formed and started moving. These fellows started moving and they kept going.

Q. Your committee was formed after the first report was received?

A. Yes.

Q. This informal group that you speak about, you were together before any act of violence was reported to you, is that correct?

A. Yes, we were trying—

Q. Now, describe the first informal gathering at the Belden Hotel. Tell me what time of day it was just as nearly as you can to May 25th.

A. That gathering came—we came over to that place following the election trying to form a solution. Then when we went out from the auditorium—

Q. Suppose you describe what happened at the auditorium? What did they do?

A. The strike was on the 25th; that was Tuesday—it was on Thursday at the auditorium and I happened to be there. At the election we tried to—

Q. Just a minute. Where is the auditorium?

A. Right down here on Cleveland Avenue and 4th and 5th.

Q. Who arranged for the meeting there?

A. The Committee probably. The boys from the Northeast Division.

Q. Were you one of them?

A. No, I wasn't in the Committee.

Q. Were you present at the meeting?

A. Yes. Not at the meeting. I was there when they was going to hold an election.

Q. Were you at the auditorium meeting?

A. Yes, sir.

Q. Did you speak at that meeting?

A. No.

Q. Were there any officers of any kind there?

A. No.

Q. Any Committee people up there?

A. No.

Q. Describe what action was taken there.

A. The meeting was to be an election.

Q. Now, what action was taken by the group?

A. No action.

Q. How long were they there?

A. Three hours.

TRIAL EXAMINER LINDSAY: The wo "election" may be stricken from the record.

Q. How long were you there?

A. I would say three or four hours.

Q. How many people were there?

A. There was several hundred on the outside. The was pickets, workmen; possibly 40 on the inside.

Q. About 40 people at this meeting?

A. At the gathering there with the purpose—

Q. I am asking you how many were there.

A. I have told you how many were there.

Q. About 40, is that correct?

A. Yes.

Q. What notice was given that this meeting—

MR. DAY: I object, Mr. Trial Examiner; M Lauter refers to this as a meeting. I don't think th the evidence shows it was a meeting. As a matter fact, it wasn't a meeting.

TRIAL EXAMINER LINDSAY: Well now (Discussion had.)

TRIAL EXAMINER LINDSAY: Regardless what you say, the record speaks for itself.

MR. DAY: It was not a meeting.

THE WITNESS: This gathering was for ele tion purposes.

Q. You characterized it as a gathering?

A. Yes.

Q. This gathering, how did you happen to co

there? How did you know there was going to be a gathering?

TRIAL EXAMINER LINDSAY: Just a minute. "Election" is off the record.

Q. What notice did you get to come to this gathering at the auditorium?

A. I had different ones of the men that spoke about their holding an election. We are back at election again.

TRIAL EXAMINER LINDSAY: Strike out that word from the record.

THE WITNESS: We weren't going to have a tea party.

Q. Who told you there was going to be a gathering?

A. I can't recall.

Q. Did you initiate that meeting?

A. No.

Q. Have you seen any of the Back-to-Work petitions signed?

A. I didn't know there were any Back-to-Work petitions here in Canton until I came here in the Court Room. I heard of them being in Massillon.

Q. How long did you maintain the space at the Belden Hotel?

A. Until the troops came into town and we had an opportunity to go back to work.

Q. And then you vacated the Belden Hotel, is that right

A. Yes, sir.

Q. Was a bill presented to you or any of the other members of that group?

A. I don't know.

Q. You never saw a bill?

A. No.

Q. Who handled the finances of that group?

A. I don't know.

Q. Do you know whether the Republic Steel Corporation paid for that space?

A. I don't know.

Q. Now, you left the mill on the 25th? You worked on the 26th and you worked until Saturday of that week?

A. Yes.

Q. Now, the Monday following the Saturday; the last Saturday that you worked in the mill; you didn't work in the mill, is that correct?

A. No.

Q. But you did work in connection with this group of which Stewart, Schauer and Stokoe were members?

A. Yes.

Q. Where were you first informed that you were going to be paid?

A. I was never informed until I received the check.

Q. Were the checks mailed to your home or did you go to the plant to get paid?

A. They were given to me by one of the group; I can't remember which.

Q. One of this group of 30 or 35 men brought a check to you?

A. Yes.

Q. Do you remember who that was?

A. I think it was Lappin.

Q. Did he have checks for the others also?

A. I don't know.

Q. When he handed you this check you didn't notice whether he had checks for the others, is that correct?

A. No.

Q. Is that correct?

A. No.

Q. You had no conversation with him as to whether or not the others were being paid?

A. No.

Q. You don't know whether Mr. Lappin paid for the hotel expenses?

A. No.

Q. Now, when he brought the check to you, did you have any conversation with Mr. Lappin?

A. I talked to him, sure.

Q. Do you remember th first time he brought the check to you?

A. Yes.

Q. Did you express surprise to him that you were being paid?

A. I don't know what he would term it.

Q. What did he say?

A. I can't recollect.

Q. Well, you tell in a general way the general conversation which you had with Mr. Lappin the first time he brought a check to you.

A. Why, I don't remember what was said.

Q. You can't remember a single word of that conversation?

A. No, not definitely.

Q. You can't remember a single word that he said, is that correct?

A. No.

Q. He handed the check to you?

A. Yes.

Q. Where were you at that time?

A. I can't say definitely on that where that was.

Q. You were at the Belden Hotel?

A. I don't know.

Q. Remember the second check you got?

A. No, I don't.

MR. LAUTER: Will you read that question?

(The last question was read.)

A. I remember—

Q. Remember the second check you got after you stopped work in the plant?

A. On getting paid?

Q. Yes.

A. I got it. I don't know where I was when I got it.

Q. Did Mr. Lappin give you that check?

A. No.

Q. What is that?

A. No.

Q. He didn't?

A. No.

Q. Who did?

A. Why, we got it through my regular pay check.

Q. What is that?

A. With my regular pay check.

MR. LAUTER: Will you read that last answer?

(The last answer was read.)

Q. Now, was that your total pay check or in addition to your pay check?

A. Maybe only for part time that was. I can't answer that definitely.

Q. Now, was the money that you received for doing that guard duty in addition to that which you designated as part time work?

THE WITNESS: May I have the question?

MR. LAUTER: Read the question to him.

(The last question was read.)

A. I didn't have any other income. I wasn't working outside of this guard duty.

Q. You testified that you didn't lose any pay during any of this period. Is that correct?

A. Yes.

Q. Did you get more than your regular pay?

A. No; average.

Q. What is that?

A. Average.

Q. Now, the second check that you got, do you recall where you got that?

A. I couldn't say definitely but I believe I got it at the plant from my regular pay check. You see you have your pay all the time. The chances are this thing finished up and then I went to work.

Q. Now, you didn't go back to work until some time in July?

A. July 2nd.

Q. When was the first check you got after May 25th?

A. I couldn't say.

Q. Was that some time in June?

A. I couldn't say.

Q. What?

A. In June.

Q. The early part of June or the latter part of June?

A. If it was in June, it was the latter part.

Q. How often did you get paid?

A. Twice a month when I am working.

Q. Did you get paid twice a month in June?

A. No.

Q. What is that?

A. No.

Q. Did you get paid once?

A. This period of the strike was at different times.

Q. You were paid twice during the entire period?

A. Yes.

Q. For all your pay?

A. Yes.

Q. Then from May 25th until about July 3rd or 4th or whenever you went back to work you were only paid twice?

A. Yes, sir.

Q. Is that correct?

A. Yes, sir.

Q. At the time Mr. Lappin brought the check the first time was at the Belden?

A. Yes, sir.

Q. The second time you testified was in the plant?

A. Yes, sir.

Q. Do you recall who gave you a check in the plant?

A. No.

Q. Who is Mr. Lappin?

A. One of our workmen.

Q. What is his position in the plant?

A. He is the first assistant roller in the bar mill.

Q. Assistant roller in the bar mill?

A. Yes, sir.

Q. Is that the same mill that you worked in?

A. No.

Q. What is the name of the mill that you worked in?

A. I am in the South Division in the sheet mill.

Q. Now, does Mr. Lappin also have a group of men under him as assistant roller?

A. I can't answer that. I am not familiar with that.

Q. Do assistant rollers in the mill also have men under them?

A. I am not familiar with that.

Q. Did you have an assistant?

A. Yes.

Q. You and your assistant have a group of men under you?

A. I am responsible for them.

Q. You are responsible and the assistant is the man who helps you?

A. Well, there is no hiring.

Q. I understand that, but he is your assistant and then there are some men under you?

A. Yes.

Q. Do you know whether or not there is any distinc-

tion between a roller in your part of the plant and the other part of the plant?

MR. DAY: Will you read that question?

(The last question was read.)

A. There is, I think.

Q. With respect to their supervisory positions?

A. I can't answer that.

MR. DAY: Will you talk up a little louder, Mr. Stewart? I can't hear you.

Q. Do you know or don't you know?

A. I do not know.

Q. You talked about Martindale Road and the fact that you were going to meet some friends on June 18th, is that correct?

A. Yes.

Q. Now, who was meeting at that time?

A. Sir?

Q. Who was meeting at that time?

A. The report I got was the men was wanting to go back to work.

Q. Whom did you get the report from?

A. A general conversation around the meeting.

Q. Whom did you get the report from?

A. I can't answer that.

Q. When did you get the information they were going to be out there?

A. Along in the afternoon about four o'clock.

Q. On June 18th?

A. Yes, sir.

Q. And you went out with some people, is that correct?

A. Yes.

Q. Who were the people you went out with?

A. Mr. Schauer and Mr. Stokoe.

Q. Both of them are members of this group that operated from the Belden Hotel, is that correct?

A. Yes.

Q. Where did you meet them before you went out to Martindale Road?

A. Mr. Stokoe I met at the parking lot in back of the Belden Hotel and Mr. Schauer I met inside.

Q. Did you have any conversation about meeting the group of employees at Martindale Road?

A. I did with Mr. Schauer.

Q. What was the conversation?

A. That—let me see—at the meeting in the morning up here at the Mayor's office—the meeting of the group—

Q. Just tell me what your conversation was with Mr. Schauer.

A. That we go out—I asked him if he would go out along and help try to discourage these men going back to work.

Q. You spoke to Mr. Schauer and Mr. Schauer told you this?

A. Yes.

Q. That you are now relating?

A. I told Mr. Schauer.

Q. You told that to Mr. Schauer, that you wanted to go out there to discourage the men from going back to work?

A. Yes.

Q. They were going to meet out at Martindale Road, is that correct?

A. That is correct.

Q. What did Mr. Schauer say?

A. He would go along.

Q. Did he say whether or not he would help you to discourage men from going back to work?

A. I cannot recall him making a statement to that effect.

Q. Do you recall him saying anything at all?

A. He was willing to be a party and go along.

Q. When you got out there you didn't see any men, is that correct?

A. Not when we arrived, that is right.

Q. Did you see any employees out there after you remained there for a while?

A. They were strangers principally to me, outside of about two men.

Q. You didn't know whom you were going to meet out there, did you?

A. Not personally.

Q. You were not given the names of the men who were going to be present, were you?

A. No, sir.

Q. Did Mr. Schauer tell you whether or not he had called any of those men to be present there?

A. No, sir.

Q. Do you know whether any officials had arranged for the employees to be present out at Martindale Road?

A. Not to my knowledge.

Q. Do you know whether or not any employees had met there before, before the date you went out there, June 18th?

A. I do not know.

Q. About what time did you get there?

A. Your question again, please?

Q. What time did you get there?

A. Approximately five or ten minutes after 5:00.

Q. Were any other members of this group of 30 or 35 that did guard duty out there then?

A. Mr. Schauer, Mr. Stokoe was with me.

Q. Those were the only other two?

A. Yes, sir.

Q. Will you describe the area out there, Martindale Road? Empty lots or buildings or what?

A. It is a section that is not very well built up; va-

cant lots around. Right off of Market Road which is our main street here.

Q. Where were you going to meet, there? Martindale and where? Martindale Road near where?

A. On Martindale Road.

Q. Any particular place? Martindale Road is a long road, is it?

A. Oh, no.

Q. How long is it?

A. Possibly—what I understand is, Martindale Road is a mile or something like that.

Q. Where in that mile of road were you supposed to meet?

A. There was no definite place I know of.

Q. Just to ride up and down that mile until you found a group of boys who wanted to go back to work?

A. No, I didn't ride up and down.

Q. I say, you were supposed to, in order to find them?

A. I wasn't supposed to.

Q. How were you going to find them?

A. I was going on my own initiative.

Q. How were you going to find them on Martindale Road which is a mile long, you didn't know where to meet them on Martindale Road?

A. I went to Martindale Road, this end, I would come in on it from the city of Canton.

Q. What is that?

A. They would come from Canton to it. That is where the men were supposed to be from, that was going to work.

Q. Do you know whether any men did meet out on Martindale Road that day?

A. Only hearsay.

Q. What was the hearsay, you tell me?

A. That they arrived up there, and most of them

met a few streets further south, they didn't go on up to Martindale Road due to—

Q. Do you know how many?

MR. DAY: Let him answer. Do you want to finish?

TRIAL EXAMINER LINDSAY: Yes, tell us.

MR. DAY: Go ahead.

THE WITNESS: I couldn't answer that, how many was there. I wasn't present. I understood there were several hundred. That is hearsay.

Q. Do you know how they happened to come there, select that place to meet?

A. I do not know.

Q. You can't identify the persons who took you to Bandi Hall, is that correct?

A. No.

Q. You can't identify the persons who you say struck you on the shoulder, is that correct?

A. No.

MR. LAUTER: I want to move to strike the testimony of this witness with respect to being taken to Bandi's Hall, and also with respect to having been hit, on the ground he failed to connect it with any of the parties in this case; unrelated to any issues in this case; incompetent, irrelevant and immaterial.

TRIAL EXAMINER LINDSAY: Well, I will overrule the motion—I will deny that motion. Let the record show an exception.

MR. LAUTER: Exception.

TRIAL EXAMINER LINDSAY: We will have a short recess.

MR. DAY: Are you through?

MR. LAUTER: Yes, I am through.

MR. DAY: I can finish him up, in just a second.

Redirect Examination

Q. (By Mr. Day) Why did you try to discourage the men going back to work?

A. I realized there would be violence, men would get hurt.

MR. LAUTER: I move that the answer be stricken, as to what he realizes:

TRIAL EXAMINER LINDSAY: Yes.

Q. Well, don't tell what you realized. Tell why it was that you tried to discourage the men going back to work.

A. In the first place, Mr. Beckner, the officer, told me—C. I. O.—told me we would have blood on our hands if we went through with the Movement at 11 o'clock the same day.

Q. You were a ruler in what department? In what mill?

A. South Division, stainless steel.

Q. Is that a sheet mill?

A. Sheet mill, yes.

Q. And are there rulers at any other kind of a mill besides sheet mill?

A. Yes, sir.

Q. What kind?

A. Bar mills I think principally.

Q. I want to ask you just one more question at this time; Tell us again what pay you received when you were a member of this committee you have told us about, between the time the strike was called and shortly thereafter, and the time that you went back to work?

A. What pay?

Q. Yes.

A. To what degree?

Q. Well, what pay did you get while you were a member of this committee? You say you got your money from Republic. How much was it?

A. Something around a little over $500 for the five weeks.

Q. I didn't mean the amount of it so much, I mean how was it figured?

A. It was equivalent to my wages, my wages as—

Q. Figured on how many hours a day?

A. Eight hours a day. I was putting 16 in and 20 in.

Q. But you got paid on the basis that you would have received if you had been there working eight hours a day?

A. Yes, sir.

Q. Is that right?

A. Yes, sir, that is right.

MR. DAY: Now, reserving the right again that you have kindly granted to me to call this man upon other phases of the case, that is all.

Recross Examination

Q. (By Mr. Lauter) You received $500 for five weeks and you didn't work in the plant, is that correct?

A. Yes, sir.

Q. Do you have the right to hire and fire?

A. No, sir.

MR. LAUTER: That's all.

Redirect Examination

Q. (By Mr. Day) You say you received $500 and you are a roller, aren't you?

A. Yes, sir.

MR. DAY: That is all.

TRIAL EXAMINER LINDSAY: This is entirely off the record.

(Discussion held off the record.)

TRIAL EXAMINER LINDSAY: Hearing called to order.

(Record read to the Examiner by the Reporter.)

TRIAL EXAMINER LINDSAY: All right, that is far enough. All right, go forward with the next witness.

(Witness excused.)

R. B. STOKOE

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Pontius) Will you state your name?

A. R. B. Stokoe.

Q. Where do you live?

A. 1317, 9th Street, N. W.

Q. Canton, Ohio?

A. Yes, sir.

Q. Where are you employed?

A. Republic Steel.

Q. How long have you been employed by that company?

A. I started in 1927, in October; worked until 1930, until the depression. I had work slack, I left there until 1933; I have been there since.

Q. That is, since 1933 you have been there continuously?

A. Yes, four years.

Q. What is the character of your work?

A. Structural work, structural steel.

Q. In what plant have you been employed since 1933?

A. The alloy plant.

Q. That is out in what part?

A. Northeast division.

Q. Now, do you know where you were on the 18th of June last?

A. Yes, sir.

Q. And during that day where were you?

A. Late in the afternoon of June 18th I went uptown to meet John Stewart and Phil Schauer at the parking lot just off Market on Sixth Street behind the Belden Hotel. And they asked me if I wanted to take a ride. I said I didn't mind, and I got in their car.

Q. Where did you go?

A. Headed up north Market to Martindale Road.

Q. Did you know, from any conversation, the purpose for which you were going up there?

A. When I entered the car I hadn't even asked them where they were going. I didn't know. I asked them after we had entered the car where we were going. They said to Martindale Road.

Q. About where, on Martindale Road, did the car stop if it did?

A. I would say about one thousand feet east of Market.

Q. Martindale Road is a road that runs east from Market?

A. That is right.

Q. When you got there, what did you do with respect to remaining in the car or getting out, or what did you do?

A. When we first stopped that car we saw no one around any place. We stepped outside of the car and we saw cars driving down another road a little further east. I do not know what road that is, I couldn't name it. But we waited there possibly three or four minutes and these cars circled around and came back to where we were standing. There were several cars, I didn't count them. I couldn't say just how many there were, possibly eight

or ten, maybe more than that. Afterwards I believe there were more than that gathered there.

Q. About what time in the day was it that you come up there?

A. It was a little after 5 o'clock.

Q. Now, go forward and tell us what happened next.

A. The cars pulled up alongside of us, some of them were across the road from us and some were on the same side of the road headed the same as we were.

The fellows began to get out of their cars and walk over to where we were standing. And they surrounded us and started to ask questions about what we were doing there and what this movement was that was on hand, and what time it was to be.

The most of the questions, though, seemed to be pointed at Mr. Schauer and Mr. Stewart. I was standing half the length of a car away from them at the back end of the car and I couldn't catch all of the answers that they gave them.

Q. Well, then—

A. Then a few of the fellows, possibly three or four of them, gathered around me, started to ask me questions about—they asked the same questions, what we were doing there.

Q. What did you say, if anything?

A. I told them that really it wasn't any of their business, that this was a public highway. Then I noticed another car pull up, a coupe and I saw a fellow in the car that I recognized.

Q. Who was that fellow?

A. Claude Cooley.

Q. Do you know whether he had any connection with the C. I. O.?

A. He is an organizer. I walked around the car.

Q. How long had you known Claude Cooley?

A. Oh, I don't know just how many years it had

been, I was not much more than a kid, I guess, when I first knew him.

Q. Then you walked around what?

A. I walked around the car and he run his window glass down, he asked me what the hell I was doing there and I says, "Well, this is a public highway," and I says, "it seems to me that these fellows here want to cause trouble."

I thought that from the menacing attitude they had taken towards us.

MR. LAUTER: I move the remarks of the witness—

Q. Not what you thought, that may go out.

TRIAL EXAMINER LINDSAY: Yes, that is stricken out.

A. And I told him that these were his men, that he should do something about it, something in those words, I don't recall just the exact words, and he never answered. If he did, it was inaudible, I didn't catch the answer.

Q. Then what did you do?

A. I walked around a way and he started to pull away, I walked around behind his car to where the other two fellows were standing.

Q. That is, by "the other two fellows" whom do you mean?

A. Schauer and Stewart.

Q. Yes, sir. Just describe what you saw.

A. Well, there was three or four fellows, two fellows grabbed me and a third man begun to go over my clothes, to search me.

Q. Where did these men grab you?

A. By the arms, pinned my arms behind me.

Q. While you say some third man searched you?

A. The third man searched me.

Q. Just describe how he searched you.

A. Just by running his hands over me, my coat pockets, trouser pockets.

MR. LAUTER: If it please the Examiner, at this time I want to object to any further questions with respect to what happened in Martindale Road, and also with respect to what happened after that on the ground it is outside of the scope of the issues in this case. The issues in this case involve interference, violation of Section 8-1 of the Act, by respondent, with the subordination of the employees of the plant, in violation of Section 8-2 and 8-3 of the Act; any violence that may have occurred is entirely outside of the scope of the issues.

TRIAL EXAMINER LINDSAY: Well, I will overrule the objection. Let the record show an exception.

MR. LAUTER: Exception.

Q. Go forward as to what happened there.

A. I said to the fellow that was searching me that he had no business doing that.

TRIAL EXAMINER LINDSAY: Now, just a minute. I think, Mr. Pontius, that the word "searched" should not be used. As I understand it, they did not go through his pockets or anything like that, they felt him up and down, is that right?

MR. PONTIUS: That is right.

Q. (By Mr. Pontius) What, if anything, did you say to that gentleman?

A. I told him he didn't have any business doing that, he wasn't an officer, he said that didn't make any difference, whether he was or not. And then he backed away from me and they continued to hold my arms behind me and one of the parties suggested that "we take them to the hall," which they proceeded to do.

Q. How did they do that? Just describe fully what happened.

A. They started forcing me towards the car, to one of the cars that set further down the road, a sedan, and they forced me into the car, two fellows sitting in the back seat with me.

Q. Just describe further how they forced you into the car.

A. Just opened the door and one man got in ahead of me and then they shoved me in behind him, and I sat in the middle, one on each side of me. One on one side of me, I remember distinctly, held a club in his hand, possibly 18 inches long, and between an inch and an inch and a half in diameter.

And he says to me, "when we get you down to the Hall, you will talk."

Then there wasn't anything said for part of the distance on the way to the hall, and finally they asked me again if I would tell what I knew. I says, "I don't know what you are talking about, I don't know what it is that you want to know." Well, they wanted to know all about the Martindale affair, this Back-to-Work Movement that was on hand. I told them that I didn't know very much about it, that all I knew is what I heard about it. I hadn't known anything about it, where it was to be, until I got in the car and got up to Martindale Road with these two gentlemen.

Q. Now, did you go up with those men with the intention of going back to work at that time?

A. How is that?

Q. Did you go with Schauer and Stewart with the intention of going back to work?

A. No, I hadn't.

Q. All right, proceed. They took you then where?

A. They took me then to Bandi's Hall. They stopped just a few feet west I believe it is, between the bridge and the hall, and they parked the car there and opened the rear door, the fellows in the front seat had gotten

out. One fellow on the far side of me got out. He told me to get out. When I stepped out of the car they made a remark to the people on the sidewalk, "Here he is, let him have it."

Q. Then what happened?

A. Why, I had no more than set foot on the sidewalk until somebody struck me a blow and I got hit.

MR. LAUTER: I object to this line of examination. I want to move the answer be stricken out on the ground it is outside of the scope of the issues; incompetent, irrelevant and immaterial.

TRIAL EXAMINER LINDSAY: Well, the objection is overruled. Let the record show an exception.

A. Well, after the first blow was struck, from then on it was just a rain of blows from the side and the rear.

Q. Where were you struck?

A. I was struck in the back, between the shoulders and on down my back, the back of the head, behind the ears, in the neck.

Q. Where were these men, if you know, who came down there—with you in the car? What were they doing.

A. Why, one of them had me by the left arm, another one by the right arm. I believe it was the same fellows. In the mix-up I couldn't hardly—I didn't notice whether they were the same two or not. I believed that they were. Anyhow, they kept hammering away and I was ducking, trying to dodge some of them and maybe I did, but I took a lot of them in the back of the head anyway.

Well, then somebody kicked at me from the front attempted to kick me in the groin, and I seen the shoe coming and I ducked then and just at that time why somebody managed to get me on the head with a club from the front. I could see the club coming but I couldn't get out of the road of it. I just ducked sideways enough to get it on the side instead of the top of the head, and

they continued to force me towards the entrance of Bandi's Hall.

Q. How were they doing that?

A. Sort of half dragging me and pushing me and the crowd—the crowd had as much to do with pushing, I imagine as they were. The crowd surged around me.

Q. Were many people about there?

A. Yes, I would say there were two or three, possibly four. The sidewalk was jammed with people, men and a few women.

Q. Well, go forward. Where were you taken then?

A. Then I was taken to Bandi's Hall. I went down the steps—the last flight of steps down the basement—a fellow by the name of Guy Sweeney—

Q. Did you know him?

A. Yes, I knew him personally.

Q. Who is he?

A. An organizer for the C. I. O.

Q. Go forward and describe what happened down there.

A. When we got to the top of the steps this Guy Sweeney stopped me and grabbed me by the necktie and pulled me towards him and said: "You got a lot of nerve trying to fight back all these guys." He said: "Anyone of these guys could give it to you." I said: "Maybe they could but they don't seem to have nerve enough to try it."

Q. What was the position of Mr. Sweeney?

A. He was standing directly in front of me. They were still holding me by the arms. So then we proceeded down the steps to the basement with the guy at the left arm still twisting it like he was trying to break it. When we got in—I guess it was the main room—

Q. Is that upstairs or downstairs?

A. It was downstairs in the basement. Somebody there said: "Take him to the special room." They turned me around and I seen across the hallway was a door

with "Special Room" marked on it in large letters written on it. Then we came in there and there was several men in there.

Q. Did you recognize any of the men in there?

A. Only faces; nobody I could name at that time. Then when I got in there they says: "Now, are you going to talk?" I says: "No." I says: "I don't have anything to talk about," which I didn't. I didn't know what it was they wanted to know. Then they began to beat me again. The blows seemed to come mostly from behind me.

Q. Do you know now any of those men; who they were?

A. They had pulled me around there, there was a gentleman walked in there. It was Beckner; this Martin Beckner. He came in with a handful of cards. I didn't know what the cards were, but I could guess.

Q. But you didn't know what the cards were, did you?

A. No, I didn't know what the cards were.

Q. Did he say anything?

A. I don't know just what he said. He—it was a lot of talk going around me—foul names and so on. Some of them was: "Let's make him talk" and so on. Then just after Martin Beckner came in, somebody hit me from the rear again and I turned to see where it came from; and just as I turned to face Beckner again, a blow came. I didn't see who struck that blow.

Q. Was Beckner there at that time?

A. Yes, he was there at that time. The blow caught me on the jaw; whether I went down or not, I don't know from then on. I remembered being there and being on my feet part of the time. Whether I was on my feet all the time, I don't know; and from then on everything seemed to be in a sort of a daze. Then after that a policeman

walked in—one of the city policemen—and asked what was going on.

Q. Did you hear any conversation there?

A. I don't remember what was said after that; I don't recall what was said.

Q. Then what happened?

A. The policeman turned around and backed up, and sort of motioned me to follow behind him, to follow him. There was nothing said then that I recall hearing but when we reached the sidewalk and we were halfway between the steps and the car I heard a blow struck. The sound of a blow—I turned just to see and I saw Sheriff Grant, his hands to his face as though he had been struck, which afterwards I learned that he did.

Q. At any time was Mr. Schauer in this room?

A. He was in this special room all the time I was in; then we got into a police cruiser and went to the police station.

(Discussion had.)

Q. Do you know what day it was?

A. Wednesday, July 1st.

Q. Wednesday, July 1st?

A. Yes.

Q. Now, were you given any medical attention that day?

A. Yes, I had a doctor's attention later in the evening.

Q. Now, you mentioned Claude Cooley. Did you see him later that day after you saw him at Martindale Road?

A. That is so far back. It seems to me I did see him after we got down in the hall—in the hall again.

MR. DAY: I believe that is all at this time.

MR. LAUTER: I want to make a motion at this time to strike all the testimony of this witness relating to Martindale Road and Bandi's Hall on the ground that it is incompetent, immaterial and irrelev-

ant and outside of the scope of the issues in this case.

(Discussion had.)

MR. LAUTER: Will you read my motion?

(The last motion was read.)

MR. LAUTER: May I have a ruling on my motion, Mr. Examiner?

TRIAL EXAMINER LINDSAY: Just a moment, Mr. Laufer.

MR. LAUTER: Do I understand the ruling is reserved?

TRIAL EXAMINER LINDSAY: I will take the ruling under advisement. We will adjourn now until 1:30 o'clock p. m.

(Thereupon at 12:05 o'clock p. m., an adjournment was taken to 1:30 o'clock p. m.)

Afternoon Session

(Whereupon, at 1:30 o'clock p. m. the hearing was resumed and the following proceedings were had):

TRIAL EXAMINER LINDSAY: Judge Pontius is ordered home by his doctor. He has agreed that Mr. Day may carry on as far as he can this afternoon in the absence of his presence.

R. B. STOKOE

the witness on the stand at the time of adjournment, having been called by the Respondent and having been heretofore duly sworn, testified further as follows:

MR. DAY: Will you read the last few questions and answers?

(The last two questions and answers read.)

MR. LAUTER: Will you read my motion?

(The last motion was read.)

Cross Examination

Q. (By Mr. Lauter) How long have you worked at the mill, Mr. Stokoe?

A. How long?

Q. That is right.

A. About four years.

Q. What was your position at the mill?

A. Structural iron workers rigger we called it.

Q. You were on an hourly wage?

A. Yes, sir.

Q. How much did you make an hour?

A. 83 cents.

Q. Get time and a half for overtime?

A. Yes, sir.

Q. Who was your foreman?

A. Lawrence McKimm.

Q. You had no supervisory task yourself?

A. No.

Q. Had no men working under you?

A. No, sir.

MR. DAY: May I make the same reservation as to the right to recall this witness that I made with respect to the witness Schauer?

TRIAL EXAMINER LINDSAY: Let the record show that the Respondent may recall this witness.

Q. Did you sign a Back-to-Work petition?

A. What is that ?

Q. Have you signed a Back-to-Work petition?

A. No, sir.

Q. Do you know whether any of the men in your department did?

A. What is that?

Q. Do you know whether any of the men in your department did?

A. I can't say for sure, because I don't know.

Q. Now, you were on that so-called Committee of Guards?

A. I was.

Q. Along with Mr. Stewart, Mr. Schauer and Dan Allen and others who were members?

A. Yes, sir.

Q. What was the first time that you met with that group of men?

A. On the evening of May 25th.

Q. That is the day the strike was called, is that correct?

A. That is right.

Q. Where did you meet?

A. I just can't think of the fellow's name; we met at a fellow's house. We had that meeting—I can't think of his name—a roll turner at the mill; he also was one of the men with us.

Q. What is that?

A. I can't think of the fellow's name now.

Q. How did you happen to go to this fellow's home with Mr. Stewart, Mr. Dan Allen and Mr. Schauer when you met on the evening of the strike?

A. Why, we had decided early that evening that we would meet at his place.

Q. When you say "we," whom are you referring to?

A. The men of this group had gathered at the plant early that evening.

Q. Now, will you tell me where in the plant you gathered?

A. That part in—I believe they call it the assembly room of the Eighth Street office.

Q. About what time did you meet there?

A. I should say 7 o'clock.

Q. What was your shift—was your turn on May 25th?

A. From 7:30 to 4.

Q. That is from 7:30 in the evening until 4 o'clock in the morning?

A. From 7:30 in the morning until 4 o'clock in the afternoon.

Q. You were at the plant at 7 o'clock in the morning until 4 o'clock in the evening?

A. In the evening.

Q. Had you remained there from 4:30 on at the time you met?

A. No, sir.

Q. Where were you?

A. At home.

Q. Who called you to the plant at 7 o'clock?

A. One of the fellows in the group. I don't know who it was. I just got the call to come out to the meeting room to the gathering there.

Q. When you say "assembly room," what room is that?

A. It is a hall in the back end of the main office building on the second floor that is used for nothing else only meetings of different kinds.

Q. Is that where the representatives or the employees' representatives met?

A. We had been using that as a meeting place.

Q. When you say "we," do you mean the representatives?

A. The representatives of the employees.

Q. How long?

A. Two years.

Q. Was Mr. Carl Lappan also a representative?

A. Yes, sir.

Q. Was Dan Allen a representative?

A. Yes, sir.

Q. Was Mr. Schauer a representative?

A. No, sir.

Q. Who was some of the other representatives who were among this group of men known as the committee of guards, we will call it, for the purpose of this hearing?

A. Ones at that meeting, you mean?

Q. Ones at that meeting at 7 o'clock?

A. The ones besides the ones that you named, there was Ray Lilly, and Frank Gelt; Joe Cox, Roy Deffenbaugh, and a fellow by the name of Fisher, I don't recall the first name.

Q. And who else?

A. George Doyle.

Q. These were all representatives or former representatives?

A. Former representatives.

Q. What about Huyler, was he there?

A. Huyler was there, yes.

Q. Also a former representative?

A. No, sir.

Q. How many representatives or former representatives do you recall who were there?

A. The ones that I named were the former representatives. The only ones that I can recall right now that were there. I may have missed some, I don't know.

Q. Were the majority of those that were there former representatives in the group, would you say?

A. I believe that the majority were.

Q. With respect to the strike, was this meeting held before the strike was called?

A. Yes, sir.

Q. The strike was called, I believe in the evening at 11 o'clock, is that right?

A. Yes, sir.

Q. May 25th? This meeting took place in the plant assembly room sometime around 7:00, is that correct?

A. That is right. I received the call at 7:00 o'clock.

Q. Then you came down to the plant?

A. That is right.

Q. And these other men were there? How long did that meeting last?

A. Oh, I would say two hours.

Q. Did anyone preside at that meeting?

A. No. It was just a general discussion.

Q. Did you participate in the discussion?

A. I don't believe I voiced an opinion the whole evening.

Q. In a general way what was the discussion about?

A. The discussion concerned a pending strike, and the action that would be taken by this group of men on the outside, if the strike was called, which had already been discussed, the vote that had been planned in case of strikes, to determine whether the men in the plant—that is, the employees of this plant—wanted to work or wanted to strike.

Q. Now, did you have a discussion with some of the other men who were present, about who had called them?

A. Who had called them?

Q. Yes, who had called the other men? Were they on that turn, or had they been called from their homes also?

A. Well, if I remember right, most of them—

MR. DAY: Pardon me just a minute.

TRIAL EXAMINER LINDSAY: We will suspend for a few minutes.

(Recess had.)

Q. Mr. Stokoe, you were telling us about a meeting which took place at about 7 o'clock on May 25th?

A. That is right.

Q. What was the highest position held by any of the men that were there?

A. I believe Assistant Roller.

Q. Well, Mr. Stewart was there, wasn't he?

A. No, sir.

Q. Wasn't Mr. Stewart there at that meeting? Did any of the officials get in, during the course of the meeting? Any of the officials of the company?

A. No, sir.

Q. The management representatives under the Plan?

A. No sir.

Q. Did anyone send any messages of any kind ?

A. Yes, sir.

Q. What message was sent?

A. We met with the plant superintendent before we went out and told him our plan.

Q. You met with the plant superintendent?

A. That is right.

Q. Who was the plant superintendent?

A. B. R. Richardson.

Q. And you say you met with him?

A. And told him our plans.

Q. Where did you meet with him?

A. In his office.

Q. Was this after the meeting in the assembly room?

A. Yes, sir.

Q. About what time did you meet with Mr. Richardson, the plant superintendent?

A. It must have been around 8:30 I would guess, it was around that time.

Q. And how many of this group went to see Mr. Richardson?

A. I believe there were 12 of us.

Q. How were they selected?

A. Well, that is something I can't say, I don't know.

Q. You were one of the 12?

A. Yes, sir.

Q. Well, do you remember how you were selected to go?

A. Yes, sir.

Q. How were you selected?

A. Mr. Frank Geltz told me that I would work on the outside.

Q. What is that?

A. Mr. Frank Geltz told me that I would work on the outside with him.

Q. That you would work on the outside with him?

A. Yes, sir.

Q. What do you mean, "work on the outside with him"?

A. Well, this vote that we had planned previous to that time, to be held on the outside.

Q. Now, who is Mr. Geltz?

A. He was a former chairman of the representative body.

Q. When you say "former" do you mean until very recently? Don't you?

A. Yes, sir.

Q. Within a period of two or three months?

A. Yes, sir.

Q. In fact, up to and including the day of the strike?

A. No, sir.

Q. When did he cease to be chairman?

A. We were elected for a period of one year, and that time expired June 14.

Q. Now, this was on May 25th, wasn't it? This meeting you are testifying about?

A. That is right. He was still representative at that time.

Q. He was still chairman of the employees' representative plan?

A. Representative association.

Q. And at that time were you a representative?

A. Yes, sir.

Q. And all these other men whom you have referred

to as former representatives were, in fact, representatives on May 25th?

A. They were at that time, not all of them. The ones that I referred to, yes, as former representatives.

Q. That is right.

A. Sure.

Q. Now, Frank Geltz told you you would work on the outside with him?

A. That is right.

Q. And you would be paid?

A. He didn't tell me at the time that I would be paid, no.

Q. Well, you were paid, weren't you?

A. Yes, sir.

Q. Have you lost any pay since the strike?

A. No, sir.

Q. Is that true of any of the other representatives?

A. I can't say, I don't know.

Q. Did you work in the mill from May 25th on?

A. No, sir.

Q. When did you return to the mill?

A. On July—I don't recall whether it was the 2nd or 3rd.

Q. From May 25th until July 2nd or 3rd, you did no work in the mill, is that correct?

A. That is right.

Q. But you were paid your average wages during that period?

A. Yes, sir.

Q. Were you paid any time for overtime?

A. Yes, sir.

Q. How much overtime did you put in, in that period?

A. I would say 14 hours a day, an average of 14 hours a day.

Q. Where were you during that period on May 25th to July 2nd or 3rd?

A. Well, we were doing guard duty at nights. That is what we were being paid for.

Q. Is that what you were being paid for?

A. Yes, sir.

Q. Who told you you were being paid for that?

A. Well, I presume that that is what we were being paid fo . That is the work that we were doing.

Q. Well, did anybody tell you to do that work?

A. Well, I don't just recall how that came about.

Q. Now, you try and see if you can't remember.

A. Because when we first went out, we went out with the intention of taking care of the vote. Then, of course, the house wrecking came into effect—

Q. Just one second. You went out on May 25th, is that right?

A. Yes.

Q. And that night the strike was called?

A. Yes, sir, that is right.

Q. When did you go on guard duty?

A. I believe it was that same week.

Q. Who told you to go on guard duty?

A. Why, that is something I can't recall, who it was that told me.

Q. Now, you went on guard duty every night, didn't you?

A. Every night after—that is right. No, at first I wasn't on guard duty.

Q. I know, but every night after you started you continued on guard duty, didn't you?

A. Every night after I started guard duty.

Q. From the time you started you continued? Who gave you your instructions where to go and what to do?

A. Instructions came through Carl Lappin.

Q. He was a representative?

A. Yes, sir.

Q. He was at that meeting at 7 o'clock?

A. Yes, sir.

Q. Now, after that meeting at 7 o'clock, you testified about attending another meeting, is that correct, that same day at someone's home?

A. When we left the plant we assembled, a few of us did, at this gentleman's home, I can't think of his name. It wasn't a meeting, we just—it wasn't a planned meeting, I mean. We just gathered there that evening.

Q. Did all of you gather there that evening?

A. No.

Q. How many of you gathered there?

A. There was only four or five of us, I believe.

Q. Who were the four or five?

A. I believe Phil Schauer was one, and a fellow by the name of Huyler, myself, and Joe Cox.

Q. Joe Cox? Now, whose house was that, did you say?

A. I can't think of the man's name. I have been trying to think of it.

Q. Was he also a representative?

A. No.

Q. And who suggetsed that you go to his house?

A. He suggested it.

Q. The man whose house you went to? Now, you finished the meeting that began at 7 o'clock, until about 8:30, is that correct?

A. Something around that time. I couldn't tell exactly.

Q. And you went to the plant superintendent?

A. That is right.

Q. About twelve of you, is that correct? But you don't remember how you twelve were selected, although you were one of them?

A. I told you I was told by your chairman that I was to serve as one to go outside.

Q. You were told by Frank Geltz?

A. That is right.

Q. I am asking you now how you happened to be one of the twelve that went to see the plant superintendent?

MR. DAY: I just got that call.

(Recess had.)

Q. Now, about 8:30 you went to see the plant superintendent in his office, is that correct?

A. That is right.

Q. With a group of about 11 others?

A. Yes.

Q. Where is the plant superintendent's office located in the plant?

A. It is in the exact opposite end of the building away from the room where we held our meeting; it would be in the west end of the building on the second floor.

Q. Now, during the course of the meeting did you say there were some messages or there were no messages from the plant superintendent?

A. No, none that I know of.

Q. Did any of the men go out and consult the plant superintendent?

A. Not that I know of.

Q. Do you know whether they met with him before that meeting was held?

A. I don't know.

Q. After the meeting about 12 went to see him in the office in the same building at the other end?

A. That was this group in our meeting.

Q. 12 of that group?

A. If there were 12.

Q. Approximately?

A. Yes.

Q. I am just trying to get the approximate figure. Now, how long did you stay with the plant superintendent?

A. Just a few minutes; now, just a few minutes.

Q. Did he prepare the plans that you outlined to him?

A. I can't remember what his remarks were.

Q. Can you remember anything he said?

A. No, I can't.

Q. What is that?

A. I can't remember exactly.

Q. Well, will you state in a general way what took place there? Just tell me what he said.

A. When we gave him our plans it seems to me he said something about: "Just go ahead and do as you planned." And I don't know what else.

Q. Did he say anything about the fact that the company was going to help you carry out the plans?

A. I don't recall.

Q. Did anyone make any inquiry as to whether or not they would be paid?

A. I didn't hear anyone make any inquiry.

Q. Did you or anyone else inquire from anyone out there as to whether or not you would be paid?

A. Yes.

Q. Whom did you inquire from?

A. Afterwards I asked Geltz if we would be paid for our work on the outside and his answer to me was he thought we would be. It was just generally understood that we would be.

Q. How soon after May 25th did you receive the first check?

A. The first regular pay day after that—let me see—we didn't receive our checks on the regular pay day, I guess.

Q. Did you get it before or after?

A. After and I received a check from my regular work in the plant.

Q. Now, you testified that you got paid for 14 hours each day, is that correct?

A. That is right.

Q. Now, how many hours did you put in on guard duty?

A. Every night from dark until daylight, whatever the hours were, and then in the daytime we made calls. I would say I put in from 15 to 20 hours every day.

Q. Where did you make calls?

A. On homes that had been threatened; others that had had windows broken or damaged.

Q. Where did the complaints come in there?

A. The complaints came into our rooms in the hotel.

Q. You are referring to the two rooms or more that were occupied?

A. The two rooms in the Belden Hotel.

Q. What floor in the Belden Hotel were those two rooms?

A. The eighth floor.

Q. Remember the numbers of those rooms?

A. 818 and 819.

Q. How long were those two rooms occupied?

A. Well, I can only say that I was in the two rooms the last time on a Wednesday, July 1st, I believe it was. How long they were occupied after that I don't know.

Q. When did you start occupying those rooms?

A. I was there first on Tuesday, the day after the strike was called.

Q. May 25th.

A. That is right. No, that would be—

Q. The 25th I believe?

A. No, Tuesday—that would have been on Wednesday, the day after the strike was called—the strike was called on Tuesday night.

Q. It would be May 26th?

A. It would be May 26th.

Q. Now, who suggested that you go over to the Belden Hotel?

A. Carl Lappin.

Q. When did he suggest to you that you go there?

A. I met him on the street on Tuesday night.

Q. That is after the meeting at the home of the individual whose name you can't remember?

A. That is right.

Q. And on Tuesday night he told you to come to the Belden Hotel to those two rooms on May 26th?

A. We went there the next day.

Q. About what time did you get there on May 26th?

A. I don't recall what time it was.

Q. Morning or afternoon?

A. I believe it was in the afternoon; some time in the afternoon.

Q. Who else was there when you got there?

A. Carl—

Q. Carl Lappin?

A. That is right.

Q. Was Mr. Stewart there?

A. No, sir.

Q. Schauer there?

A. I can't recall just who the fellows were that were there.

Q. Well, they were some of the group with whom you met the day before?

A. Some of the group I know.

Q. Some of those representatives, is that correct?

A. That is right.

Q. Now, about those rooms being fixed up. Were beds in them?

A. Yes, sir, there was a bed in one; an in-a-door bed; and then another bed.

Q. What other materials were there in those rooms: Typewriters and desks? Just what else was there? Describe the appearance of those two rooms.

A. The first time I saw the rooms I saw one room

was fixed up just like a sitting room, two chairs, and a sort of a library table and a floor lamp, that is all.

Q. How was the other room fixed up?

A. Just an ordinary bedroom; a small room.

Q. Was the aspect of those rooms changed while you were there during the month and a half?

A. Additional chairs was put in.

Q. Were meetings held in those rooms?

A. Yes, sir.

Q. Meetings of this group of representatives?

A. That is right.

Q. But you didn't hold representative meetings there, did you?

A. No, sir.

Q. Just a meeting of this Committee of Guards was called?

A. That is right.

Q. Now, whatever persons would visit these rooms apart from the representatives?

A. Just other fellows that afterwards were helping out with the guard work.

Q. Were they also being paid?

A. I couldn't say.

Q. Did the plant superintendent ever come down there?

A. I never saw him.

Q. Any of the officers come down there?

A. Never.

Q. You don't remember any of the officers coming to the Belden Hotel?

A. I don't remember; I would say they had not.

Q. Now, did you also use the ball room in the hotel?

A. The which?

Q. The ball room?

A. At what time—after we went back to work they

all used another room—a large room. Whether it was the ball room, I couldn't say.

Q. Was it prior to the 2nd day of July?

A. No.

Q. There was another large room in that hotel, wasn't there, besides the ball room?

A. I wasn't acquainted with the hotel. I know there is another large room there; I don't know what it is.

Q. Did they use it at any time from May 25th to July 2nd?

A. No, sir.

Q. Now, who paid for the expenses of the two rooms, do you know?

A. I don't know.

Q. Was there a treasurer of this group?

A. I don't believe there was a general treasurer.

Q. Was there at any time?

A. Not of that group, no.

Q. Did the treasurer of the representation plan act as treasurer?

A. Not that I know of.

Q. Who took care of the funds after that?

A. Well, I never saw any there, so I can't answer that question.

Q. There were no funds collected for that group as fas as you know?

A. As far as I know, there were no funds collected.

Q. You don't know how the two rooms were paid for although they were occupied for a month and a half, at least?

A. All I know is that Carl Lappin had those rooms rented in his name.

Q. Carl Lappin was ostensibly in charge?

A. That's it.

Q. He handed you your check also?

A. One check.

Q. Did you see him hand checks to anybody else?

A. No, sir.

Q. Do you remember the time that you received your first check?

A. Yes, sir.

Q. What day was that?

A. I don't remember the exact day, no. It was some time after our regular pay day. Our regular pay—I believe it was on the 23rd—no, the strike was called on June 25th.

Q. It was called on May 25th?

A. Yes; the next pay would come in June; the 8th, I believe. I don't believe the pay came on that day; I think it was the following week. Three or four days later, it was, that I received our check at the First National Bank Building—all the employees were paid there.

Q. Were you on the Committee that went to see the Mayor on the Back-to-Work movement?

A. No, sir.

Q. Now, prior to June 15th, when you went out for an automobile ride with Stewart and Schauer, what were your activities in connection with the Back-to-Work movement?

A. I had not had anything to do whatever with it.

Q. Was there any discussion on May 25th at any of the meetings in the plant or in the home of the man whose name you don't know, at which the question of getting the men in the mills, or getting them to return to work, was discussed?

A. Not that I know of other than that this was our plan.

Q. What was your plan?

A. This vote.

Q. Your vote had to do with whether or not the men wanted to go on strike?

A. That is right.

Q. And the strike was called that night of May 25th

and then you had formed this Committee of Guards, is that right?

A. That is right.

Q. And the strike—you men on June 18th went with Mr. Stewart and Mr. Schauer on an automobile ride out on Martindale Road, is that correct?

A. That is right.

Q. At that time you were going to meet a group of men that wanted to go back to work?

A. That is the understanding I had.

Q. I presume after you got in the automobile of Mr. Stewart and Mr. Schauer you had a conversation?

A. I just can't remember the conversation; they told me where they were going to; that is all.

Q. They told you where they were going?

A. That is right.

Q. You didn't get out of the car, did you?

A. No.

Q. You went with them?

A. I went with them.

Q. Did you also want to discourage those men from going back to work?

A. Well, I went as far—

Q. Now, was that your reason for going out with them that you wanted to discourage them from going back to work?

A. I had not expressed that opinion or my feelings when I got into the car.

Q. After you got into the car—

A. I had not expressed my feelings when I got into the car—

Q. Had you—

MR. DAY: Let him finish the answer.

A. After I got into the car I found out where they were going. I thought probably it would be a good idea

to go along whether I could do anything or not, it sure wouldn't do any harm.

Q. To go out with these men who were going to go out to work?

A. That is right; we didn't expect any trouble.

Q. You didn't expect any trouble?

A. That is right.

Q. Did you want to discourage them from going back to work?

A. After those conditions, yes.

Q. After what conditions?

A. The notices posted around the plants and different places; the entrances in the mill; the large group of men that were out there. The fact that they attempted to go in, there would have been trouble.

Q. Had you discouraged any men from going back to work before that?

A. I didn't talk to anyone.

Q. Hadn't talked to any other employees?

A. No, sir.

Q. Talked to anyone at that time?

A. I can't remember talking to anyone about going back to the mill.

Q. Now, you testified about a number of blows that rained on you. Did you identify anybody?

A. I can't name anybody.

Q. That is what I am asking you, if you could identify anybody that hit you?

A. No.

MR. LAUTER: That is all.

Redirect Examination

Q. (By Mr. Day) Mr. Stokoe, I understood you to say that the vote that you had in mind was whether or not

there should be a strike, or was it whether or not you should go back to work?

A. The vote was to determine whether they wanted to strike, stay on strike, or go back to work.

MR. LAUTER: I object to the question.

THE WITNESS: Probably there would be a lot of them out of work—

TRIAL EXAMINER LINDSAY: Just a minute.

MR. LAUTER: If it please, Mr. Examiner, the question which I directed to the witness was about the meeting which was held prior to the actual calling of the strike.

MR. DAY: That is what I am referring to.

TRIAL EXAMINER LINDSAY: He does not understand the question.

Q. (By Mr. Day) The meeting that was held on the 25th of May before the strike was called, that is right, isn't it?

A. That was to make plans for this vote.

Q. Now, what was this vote at that time that was planned?

A. To gather at the auditorium on the following day or as soon as possible and notify all the men on the outside and give them an opportunity to go to the auditorium and cast their ballot.

Q. Now, was that a ballot whether or not they would go on strike or whether or not they would go back to work?

A. Well, it was whether they wanted to work, wanted to go back to work, or to strike.

TRIAL EXAMINER LINDSAY: No; wait a minute, now.

Q. Well, at that time the strike had not been called, had it?

A. When we held our meeting, you mean?

Q. Yes.

A. No, it had not been called.

Q. Did you expect to strike that night?

A. We expected to strike that night.

Q. Now then, the vote that was to be held the next day, was that a vote as to whether or not the men wanted to go back to work?

A. That is right.

(Discussion had.)

Q. Now, when did you go there? How soon after the strike was called?

A. The following week.

Q. Now, you went there the following week?

A. That is right.

MR. DAY: Now, we reserve the right to recall this witness for redirect examination.

TRIAL EXAMINER LINDSAY: Just one second.

(Discussion had.)

Recross Examination

Q. (By Mr. Lauter) You say that you knew there was going to be a strike or expected a strike to be called that night?

A. Yes, that is right.

Q. Who advised you that the strike was going to be called that night?

A. Why, I got it earlier in the evening before I got the telephone call that there was to be a strike that night.

Q. Did you get the word before you left work at four o'clock?

A. No.

Q. Did you get it between 4 o'clock and 7 o'clock before you came home?

A. No, I didn't; I didn't know when I got the telephone call.

Q. When did you get word that there was going to be a strike called that night?

A. After I got out to the plant.

Q. You mean the question of the strike being called was discussed by the representatives at the meeting?

A. I didn't know it was discussed other than they decided—they said they heard that the strike was to be called that night—some time that night.

Q. And that was the reason why they were meeting?

A. That is right.

Q. And that is the reason why the representatives were meeting in the assembly room in the plant?

A. I believe that was the reason.

Q. Because they expected a strike to be called that night?

A. That is right.

MR. LAUTER: That is all.

MR. DAY: That is all.

TRIAL EXAMINER LINDSAY: Just a moment.

(Discussion had.)

Recross Examination (Resumed)

Q. (By Mr. Lauter) While you were on guard duty, did you carry a gun?

A. I had a gun in the car.

Q. Did you have a permit for that gun?

A. No, sir.

Q. What is that?

A. No, sir.

Q. Where did you get the gun?

A. It is my own gun.

Q. Is a permit necessary for that gun, Mr. Stokoe?

MR. DAY: Objection, that is a conclusion; it is not binding on him.

TRIAL EXAMINER LINDSAY: I will sustain the objection.

Q. Who gave you that gun?

A. I had that gun for several years lying around the house.

Q. When did you start to carry it in your car?

A. After the affair on Martindale Road, I carried it in my car.

Q. Were you deputized?

A. No, sir.

Q. Did you use that gun at any time during the strike?

A. No, I didn't.

Q. You carried it while you were on guard duty so-called?

A. The gun was in the car. The only time it was on my person was from the car to the house.

Q. What did carrying on guard duty consist of?

A. Just being at those surroundings that had been threatened.

Q. What did you do? Stand in front of the house or what?

A. I sat in the car in front of the house or in the driveway, if there was a driveway, or just in front of the house.

Q. Were those houses of employees working in the mill during the strike?

A. Yes, sir.

Q. And you would sit there all night protecting the house?

A. Yes.

MR. LAUTER: That's all.

Redirect Examination

Q. (By Mr. Day) You say that it was after the Martindale Road incident you carried a gun?

A. Yes, sir.

Q. And why did you carry it?
A. For my own protection.

MR. LAUTER: I object to that question and move that the answer be stricken.

MR. DAY: Oh, I think that is a proper question.

TRIAL EXAMINER LINDSAY: Yes, that calls for a conclusion, Mr. Day. I will grant the motion. It may be stricken from the record.

MR. DAY: Well, note an exception. That is all, sir.

Recross Examination

Q. (By Mr. Lauter) You say before June 18 you didn't carry a gun?
A. No, sir.

MR. LAUTER: That's all.

MR. DAY: That's all.

(Witness excused.)

CHARLES McGAUGHEY

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Day) Will you state your name, please?
A. Charles McGaughey.
Q. Where do you live?
A. I live at 126 Cleveland Avenue NW.
Q. Canton?
A. Yes, sir.
Q. What is your business?
A. I am a loader in the white sheet warehouse.
Q. Republic Steel?

A. Yes, sir.

Q. Are you married?

A. No, sir.

Q. How long have you lived in Canton?

A. I imagine it has been around 8 years.

Q. How long have you worked at Republic?

A. A little over a year.

Q. I will ask you if you remember being up on Market Avenue near Martindale Road the late afternoon of last July 18th?

A. Yes, sir.

Q. About what time were you there?

A. Oh, it was approximately 5:30.

Q. And how did you go there?

A. I went up in my car.

Q. Why did you go there?

A. I went up to attend a meeting for the fellows that wanted to go back to work.

Q. Were you a member of any guard committee or anything of the kind?

A. What do you mean by that statement?

Q. Well, do you know of some men that had their headquarters at the Belden Hotel?

A. No, sir.

Q. Were you one of those?

A. No, sir.

Q. All right. Now, you went up there to attend a meeting of men who wanted to go back to work, is that right?

A. That is right.

Q. How long had you been out of work?

A. From May 25th until that time, around May 25th.

Q. At the time the strike was called?

A. Yes, sir.

Q. Did you go back to work after that?

A. I went back to work on, I believe it was June 30th.

Q. Now, what happened when you got up to the corner of Martindale and Market Avenue that afternoon?

A. Well, I turned into Martindale Road.

Q. Were you alone or was somebody with you?

A. I was by myself.

Q. All right, driving your own car?

A. Yes, sir.

Q. All right, go ahead.

A. I drove into Martindale Road and I would say that it was approximately around 1000 feet, there was a truck parked there and I pulled up in back of the truck, and a bunch of fellows came running over to the car and said, "Are you ready to go in?" And I didn't recognize anyone, I didn't know any of the fellows. I told them that I didn't know what they was talking about, and there was around four of them come over to the car and they opened the door and one fellow showed me a revolver and he says, "See this?" And he says, "Get out." And I got out and there were about, oh, around five or six around the car at that time and they practically all of them had rubber hose or something in their hand.

MR. LAUTER: I move that "or something" be stricken.

TRIAL EXAMINER LINDSAY: Yes, that is stricken.

Q. Go ahead.

A. And they were—

Q. By the way, did you identify—did you recognize any of those men?

A. No, sir, I didn't recognize a one of them.

Q. Were they wearing anything?

A. Why, there was a few of them had a CIO badge on. And so I got out of the car and they searched me, took my cigarettes out of my pockets, and they took me out in

front of the truck.

There was another car parked there and they put me in this car with three other fellows, and I sat on the middle fellow's lap and for some reason or other they changed their minds about that, took me back to my own car. I had a '33 Chevie coupe.

TRIAL EXAMINER LINDSAY: Just a minute. "For some reason or other they changed their minds" is stricken from the record.

Q. Go ahead, then you went over to your car, is that right?

A. Yes. They took me over to my car.

Q. Yes.

A. And put me in the middle of my car and the fellow at the beginning that had a gun, gave the gun to the fellow that was sitting on the right of me and he got in the car and drove my car, and there was another fellow sitting on the lap of the fellow to the right of me, and there was a fellow on the running board and there was one in the turtle-back of the car.

And from there they started to take me to what turned out to be Bandi's Hall. On my way down they were discussing different things there with me, and they set about wondering about what they should do with me, and one fellow said they ought to shoot me, hang me up to a tree where everybody could see me.

And they took me down to—went through Crystal Park at the light, and went straight through in front of Bandi's Hall, and there was a crowd of, I would say around two or three hundred people there or maybe four, and when we pulled up in the middle of the road there, in front of Bandi's Hall, they stopped the car for a minute and one fellow jumped on the running board and put his hand in on the wrist of the fellow that had the gun, and sort of wrestled with him for a few moments, to take the gun away from him, and he flashed some kind of a badge, it looked to me

like a deputy sheriff's badge—special deputy sheriff's badge, but I would not say what it was, and just then one of the fellows said, "C. I. O." and he says, "Oh, all right."

And they told him to drive around in back of Bandi's Hall quick, and so they took me around to the back of Bandi's Hall and they left me out and the group of men that took me to Bandi's Hall stayed there and another group started me down into the cellar of Bandi's Hall.

On the way down, down into Bandi's Hall, one fellow standing there in the crowd took a swing at me and I ducked and he missed me, and they took me down through a large room, down a flight of steps into another little place and to the left of that there was a small office of some kind and they took me in there.

When we got in there they set me down in a chair beside a table, and I sat there for a while and one fellow took a swing at me and that seemed to be the signal, they all started in on me, there was about five of them used their fists, and there was one fellow that was either on top of the table, or he was on the other side of the table reaching over, beat me across the back with a club and then when they stopped they says, "Now talk, and talk fast," and I asked them what they wanted me to talk about, and they asked me a few questions which I don't remember the questions now.

And then the one fellow that was doing the most of the talking at the time asked me how I liked to do something for the C. I. O. Then he says, "How would you like to sit in a room, a darkened room without any lights at all, where there was no light, with your head back to the ceiling for 48 hours?"

And the fellow by the name of Johnnie Johns said that they would not do that, and right around that time they brought Mr. Betz or Best in.

Q. Betz?

A. And they proceeded to strip me of all but my

trunks and my shoes and then Johnnie Johns made up two signs, one for my chest and one for my back, they tied with strings around me, and he had on these "T. K. Harris' Scab," something like that language, and I stood there for a while and they had taken my cigarettes, and I asked one of them for a cigarette and he told me that no scab got cigarettes around that place.

Q. By the way, do you know who T. K. Harris was?

A. Well, I heard quite a bit about him. That is, he was a real estate man here in town.

Q. Well, had you heard that he was the head of the Law & Order League?

A. Yes, sir.

Q. And then what happened?

A. Well, they brought Betz in there then and they stripped me and put these signs on me and had me sit down, back down in the chair and then that one fellow said to Betz that, "We ought to take this Betz for a one way ride, he has been causing too much trouble here," and Betz went to say something and he told him to keep his mouth shut or he would hit him, and they were in there for a little while and all this time they kept the door locked except when someone would come up and rap to get in, that they knew who it was.

Around this time the two city policemen came in, one of them was Bernoski and I don't know the other policeman, come and they stayed in there for a little while with the police, and they had me get dressed, took the signs off of me and they took me out and put me in the patrol car and took me up to City Hall and they released me there and I went home, and my folks were looking at my back and face, and I went back up to Murphy Hospital and got treated up there for my bruises, and they told me to go to VanDyke and that the company would take care of all of the bills. And I told the copper about my car when they took me away from Bandi's Hall and he said that he would

have a tow truck or something go out and pick it up for me, and later that evening they found the car out on Superior—I believe that was right off of Superior on 20th, all smashed up.

MR. LAUTER: Read that answer.

(The last answer read by the Reporter.)

Q. That is VanDyke the doctor?

A. Yes, sir.

MR. DAY: I think that is all.

Cross Examination

Q. (By Mr. Lauter) Did you go to a doctor?

A. Yes, sir.

Q. Where was the Company doctor when you went to see him?

A. I didn't go to the Company doctor that day.

Q. When did you see him?

A. I can't just tell you what day it was I went to see him.

Q. How soon after this happened did you go to see him?

A. I believe it was about two or three days.

Q. Was it at that time that he told you that the Company would take care of the bills?

A. No, sir. They told me that at the hospital.

Q. Who told you that at the hospital?

A. I guess it was an interne—there was a nurse and two internes—I believe it was.

Q. What is that?

A. There was one lady nurse and two internes.

Q. Two internes?

A. I believe they were internes; I don't know.

Q. They told you that Vandyke would take care of it or did Vandyke say that the Company would take care of it?

A. They told me to go to Vandyke and the Company would take care of the bills.

Q. Did you go to Vandyke?

A. Yes, sir.

Q. Did the Company take care of the bills?

A. Yes, sir.

Q. What were your bills? How much did the bills amount to, do you know?

A. No, I don't.

Q. Did the Company take care of it directly?

A. I can't even say that. I don't—all I did was go to the doctor that Vandyke sent me to; that is all I heard about it.

Q. How many times did you go to the doctor?

A. I was up to see Vandyke once and I—

Q. Did you see Vandyke for a physical examination; did he examine you?

A. Yes, sir.

Q. Yes.

A. And I went to, I believe it was—Brandon in the First National Bank Building; he is a nose specialist.

Q. What is that?

A. He is a nose specialist.

Q. Was your nose injured?

A. Yes, sir.

Q. At Bandi's Hall?

A. Yes, sir.

Q. After you had gotten out of Bandi's Hall you asked for some cigarettes?

A. Yes, sir.

Q. They wouldn't give them to you?

A. No, sir.

Q. Did the Company take care of your car also?

A. No, sir.

Q. Was it damaged in any way?

A. Yes, they got $25 for it in junk.

Q. Now, did you earn anything between May 25th and June 30th?

A. What dates was that?

Q. Were you paid anything between May 25th and June 30th?

A. No, sir.

Q. What was the day you went back to work?

A. What day?

Q. Yes.

A. On the 30th.

Q. Yes.

A. I am pretty sure it was on that day because we had one day on that pay. It was 30th—that is right, because it started again from the 1st to the 16th.

Q. What was the name of your foreman?

A. Fred Wilson.

Q. What department are you in?

A. In the white sheet workers in the Stark Division.

Q. Did you have a conversation with Mr. Wilson before June 30th?

A. No, I didn't talk to Fred. He was—

Q. How did you happen to go back on June 30th?

A. Well, one of my fellow workmen told me that they were going back.

Q. What time did you go back to work that day?

A. We left in the morning; I can't tell what time it was. I don't believe we got in there before eight o'clock.

MR. LAUTER: That is all.

MR. DAY: I think that is all.

(Witness excused.)

TRIAL EXAMINER LINDSAY: We will take a short recess.

(Recess had.)

H. M. REBSTOCK

witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Day) What is your name, please?
A. H. M. Rebstock.
Q. Where do you live?
A. R. D. 7, North Canton.
Q. And North Canton is about five miles from here?
A. I suppose like that, yes.
Q. How long have you lived in North Canton or Can-
n?
A. Well, I have lived in Stark County all my life
y present location, I lived there now three years.
Q. What is your age, Mr. Rebstock?
A. 58.
Q. Where do you work?
A. Republic Steel.
Q. How long have you worked for Republic Steel?
A. Going on four years.
Q. What is your work there?
A. Well, at the present time I am doing most every-
ing, since we went on eight hours, why I am working
fferent jobs, some days I am on one job and some days
m on another.
Q. What are some of the jobs? Just tell us.
A. Well, at the present time I am working as charger
the mill, one of the mills.
Q. A what?
A. As charger on the back end of one of the furnaces.
Q. Charger?
A. Yes, sir.
Q. What is a charger? What does he do?
A. Well, you put the iron into the furnace.

Q. Were you working for Republic at the time the strike was called?

A. Yes, sir.

Q. And did you stop work—in what plant were you working?

A. Stark division, sheet mill.

Q. When did you stop working there, with relation to the time that the strike was called?

A. I was on the last shift that was worked at the time the strike was called. I was one of the last men to leave the plant, last bunch of men.

Q. And after the strike, when the strike was called, did you then quit work there?

A. Yes, sir.

Q. And when did you go back?

A. July 2nd.

Q. Mr. Rebstock, on the evening or late afternoon of June 18th last, were you out in the vicinity of Market Avenue, 26th Street and Martindale Road?

A. Yes, sir.

Q. How did you get there?

A. I drove there in my car.

Q. Did you go alone or did somebody go with you?

A. I went with a neighbor of mine by the name of Johnnie Speck, or he went with me, rather.

Q. Did Johnnie Speck also work at Republic?

A. Yes, sir.

Q. Did he at that time?

A. Yes, sir.

Q. And where did you go?

A. Went down, we was supposed to go to Martindale Road, and when we got to Martindale Road things didn't look so good for us there, so we drove on down Market Street and stopped along possibly between 25th and 26th.

Q. And then what happened?

A. Well, we got out of the car there; I saw a man across the street that I had known pretty—very well, so I went over and talked with him. Mr. Speck seen another party that he knew very well up the street a piece, and he went up there.

Q. Why did you go up there at all that afternoon? What was the purpose of it?

A. Well, I was downtown in the afternoon and I was told there was to be a meeting up there and make some arrangement about getting back to work, that was our purpose of being there.

Q. Now, go on and tell what happened.

A. So I got out of the car and walked across the street, talked to Mr. Lappin. Mr. Speck, of course, went up the other way. After I got through talking with Mr. Lappin why of course I was separated from my partner and I kind of walked up the street to locate him and in doing this why a bunch of men came running down the street. Someone says, "Here they come," and I looked around and of course I was kind of walking down the street and they were very near on top of us before I seen them and they hollered at me, wanted to know where I was going, what I was doing there.

Of course, I kind of hesitated and stopped a little bit and finally I told them I lived right down the line. They wanted to know where I lived, I told them I lived down the line, so I didn't any more than tell them then when they grabbed me.

Q. Did you recognize any of those men?

A. I did not.

Q. Were they wearing anything?

A. Well, they had badges on them and they had clubs in their hands.

Q. Well, did you see what kind of badges they were?

A. I couldn't recognize what the badges were.

Q. What did they look like?

A. Well, they had those buttons on their coats and on their shirts.

Q. Then what happened?

A. Well, about five or six of them surrounded me there and grabbed me, pulled me across the street backwards. When they started to go across the street why they were pounding me. When they got about half across one of them, why I don't know, I can't swear which one, but they pulled my glasses from my head and they were pounding me and everything else, and they got me over on the opposite side of the street, there was a car standing there and they forced me into this car and said they were going to take me to headquarters.

When they got me in the car there was four in the car with me and they started—

Q. Before that I want to show you a photograph, which I will mark Respondent's next exhibit.

(The photograph was marked as Respondent's Exhibit No. 10 for identification.)

Q. I will ask you to look at Respondent's Exhibit 10 and ask you, are you in there?

A. I certainly am.

Q. Where are you?

A. Right there (indicating).

Q. Indicating the man in the middle?

A. Yes, sir, but I don't have any glasses on because they tore—

Q. Never mind, I am not asking you about that, now. Do you remember the picture being taken at all?

A. Yes, sir, I seen it flash.

MR. DAY: Have you seen that?

(Counsel submits document for inspection.)

Q. (By Mr. Day) Did you know at that time who either one of these other two men are, that are shown here?

A. No, sir, I did not.

Q. Have you since discovered who they were, your-
?

A. Well, the one there, I don't know, possibly, but I
nk I can—

Q. Don't tell what you think. You haven't discovered
t yourself?

A. Not particular, no.

MR. DAY: I want to offer this in evidence. Would you like to see it?

(Exhibit submitted to Trial Examiner for inspection.)

Q. (By Mr. Day) Now go on and tell us about it.

A. Well, they forced me into the car and said they
re going to take me to headquarters, started the car in
tion, and a good many cars were parked there, of course
vasn't very easy to get out, they tried to get out and of
rse in doing so they had a little trouble to do that and
t about that time why the police cruiser pulled up over
the opposite side of the street and of course I seen them
re and I threw up my hand like this (indicating) draw-
the attention of the officer. My face was all over blood,
uppose he could recognize that. He come over and got
out of the car.

Q. You say your face was all over blood. What, if
ything, happened to your face there?

A. Well, they pounded me in the face, that is what
de my nose bleed.

Q. Well, with what did they pound you?

A. That I couldn't tell you. They were pounding. I
ld not tell. I was trying to dodge. I didn't see what
y did have, all.

Q. Then what happened?

A. Well, after the police officer came over, then, he
k me out of the cruiser—out of their car—out of this car
t I was in, took me over to the opposite side of the street
d put me in the cruiser car. Of course I set in there, I

didn't know just how long, I suppose maybe ten minutes or something like that, and the patrol wagon came. They took me out of the cruiser then, put me in a patrol wagon and they took one of these men that was in the other car with me and myself, and a fellow by the name of Mr. Coleman, took us three down to headquarters, and they put me in the lock-up and locked me up there for approximately two hours and a half at least, until they could get in touch with my wife to bring a deed to the property down in order to sign a $50 bond.

Q. Yes.

A. After they got her down there to sign, she had to bring the deed to the property along, of course, and after they got that fixed up, then I was released.

Q. You say you were wearing glasses. What happened to your glasses?

A. Well, they simply took them off of me. I asked for my glasses after that, after they got me into the car, and nobody seemed to know anything about them.

Q. Did you recognize any of the men that were in the matters you are telling us about at the time? Did you know any of these men?

A. No, sir, I didn't know them.

Q. Have you since ascertained who any of them were?

A. I think I could pick out one of them.

MR. DAY: I think that is all.

Cross Examination

Q. (By Mr. Lauter) You say you can't identify any of the men?

A. Well, I could possibly identify one of them since this thing has happened.

Q. Do you know his name?

A. Yes, sir.

Q. Had you learned that name since the Martindale Road incident?

A. Yes, since.

Q. Now, you have been shown a photograph. Could you identify any of the two men in the photograph?

A. Well, not just as sure. I rather think one of them I could.

Q. You aren't sure?

A. No.

Q. Now, who told you to go to Martindale Road?

A. Well, I was downtown this afternoon and word was passed on from one to another. I can't say who it was.

Q. Now, try to recollect.

A. I can't remember. Where it was passed around. I would not make any effort to—

Q. You would not make any effort?

A. Well, if I did it would be wrong.

Q. Now, try and think. Who told you to go to Martindale Road? Take your time and think.

A. Well, I wouldn't know, to tell you that, because I would tell you wrong; the wrong party. We were downtown and there were a bunch of us. I wouldn't want to tell—it was one fellow.

Q. Whom were you talking to?

A. Quite a lot of them.

Q. About what time was that?

A. In the afternoon some time, I couldn't say definitely.

Q. What time did you go to Martindale Road?

A. I suppose approximately a quarter after five o'clock I got there.

Q. Did you leave from home or downtown?

A. From home.

Q. How long prior to your going home had you been downtown talking to the bunch of men?

A. I suppose along the middle of the afternoon; possibly about 2 or 3 o'clock.

Q. Now, between 2 and 3 o'clock, how many men did you speak to?

A. I can't tell you that.

Q. Well, two or a hundred?

A. Well, it wasn't a hundred.

Q. Was it more than two?

A. Well, I would say two or three.

Q Can you give me the names of some of those men?

A. Well, Mr. Speck was one of them; outside of that, I can't tell you.

Q. What is his position with the mill?

A. He works in the white sheet.

Q. What does he do there?

A. He is a checker.

Q. A checker?

A. Yes, sir.

Q. Did you arrange for him to go there with you to Martindale Road?

A. Yes, sir.

Q. Were you to meet him at home or were you to take him up there?

A. Well, we lived side by side.

Q. Now, exactly what does a checker do?

A. Well, you know as much as I do about it.

Q. You don't know anything about a checker?

A. No, sir, I didn't work in that department. I don't know anything about it.

Q. Is that comparable to a foreman?

A. I don't know whether it is a foreman or not.

Q. What is that?

A. I don't know if it would be anything to a foremanship or not.

Q. How long have you known Mr. Speck?

A. Since about April, I believe.

Q. April of this year?

A. Yes, sir.

Q. Now, who is Mr. Lappin? You referred to Mr. Lappin.

A. Well, Mr. Lappin worked in the South Division.

Q. You met him out at Martindale Road?

A. No, Market Street.

Q. Market Street?

A. Yes, sir.

Q. You talked to him?

A. Yes, sir.

Q. What was the conversation?

A. What?

Q. What was the conversation?

A. Well, we just talked about the gathering we supposed to be there.

Q. What did he do?

A. What?

Q. What did he do?

A. What do you mean?

Q. Well, what did he say?

A. He didn't say anything about it. He said there was supposed to be a kind of gathering there—to meet there.

Q. Did he tell you that they were going to meet out at Martindale Road?

A. He didn't say about Martindale Road.

Q. Where did he tell you they were going to meet?

A. What?

Q. Where did he tell you they were going to meet?

A. He didn't tell me they were going to meet any place.

Q. Well, you knew about the meeting?

A. No, I didn't say that I did.

MR. LAUTER: Mr. Reporter, will you read that question?

(The last question above referred to was read.) "What was the conversation?"

MR. LAUTER: Now, will you read the answer to that question.

(The answer above referred to was read.) "Well, we just talked about the gathering we supposed to be there."

Q. Did you talk about the gathering?

A. Well, we did, to a certain extent.

Q. Well, you tell me, to a certain extent. Tell me to what extent to which you talked about the gathering.

A. I don't know if I can recall that or not.

Q. Now, tell me as much as you can recall.

A. Well, I don't know. I would probably get things mixed up. It is a good while ago. I am not going to make anything up out of my memory.

Q. Tell us as best you can.

A. We only talked, I don't suppose—I don't suppose we talked over a minute or two.

Q. I am not asking you how long you talked. Tell us what was said.

A. This is pretty hard to figure out. Well, I would not like to give you an answer on that because I can't recall it.

Q. You talked about a gathering, is that correct?

A. No doubt we did, to a certain extent—maybe.

Q. You say "maybe." Did you or didn't you talk about a gathering?

A. What?

Q. Did you or didn't you talk about a gathering?

A. I say we may have and we may not.

Q. Didn't you testify a little while ago—

TRIAL EXAMINER LINDSAY: Just a minute.

(Discussion had.)

TRIAL EXAMINER LINDSAY: You better answer those questions.

A. Well, that is pretty hard to tell just what you remember about in that long time. It is pretty hard to get that all in your mind what you did talk about.

TRIAL EXAMINER LINDSAY: You remember everything else. You ought to remember something about it.

A. Well, there is one thing he said. He said he heard the meeting was called off.

Q. You remember that?

A. Yes, that I remember. He said there wasn't going to be any meeting.

Q. What time did he tell you that?

A. Well now, that was right after I talked to him. I suppose it was a quarter after five or 20 after—along there—right when I got there.

Q. When you got where?

A. To this Market Avenue meeting.

Q. To the Market Street meeting?

A. Yes, sir, that is where we stopped.

Q. Is that anywhere near Martindale Road?

A. Well, it is about, I would say, two or three blocks south of Martindale Road.

Q. Now, did you see Mr. Lappin in the afternoon prior to 5 o'clock?

A. No.

Q. And the first conversation you had with him was when you got out where this meeting was expected to take place?

A. Yes, sir.

Q. You met Mr. Lappin at that time out there?

A. Yes, sir.

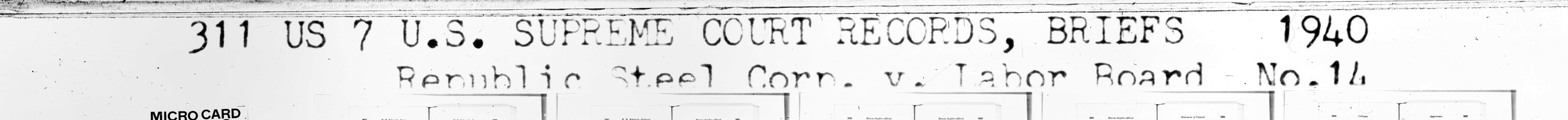
Q. At that time he told you that there wasn't going to be any meeting?

A. Yes, sir.

Q. What else did he tell you?

A. I don't know if he said much of anything. Only

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he said he was going to get ready to go home.

Q. Now, you remember two things.

A. Well, we wasn't there, only two or three minutes.

Q. He said he was going to get ready to go home?

A. Yes, sir.

Q. And did he go home?

A. Well, he left there. I don't know whether he went home or not.

Q. How many people were around there when you were talking to Mr. Lappin?

A. Well, there wasn't anybody right there. Only there was a car there. Now, I don't remember whether he was in the car—

Q. Was he in the car or out of the car?

A. He was standing outside the car.

Q. Were there a number of other cars there at the same time?

A. Well, one was up the street there—there was.

Q. Were those cars occupied by men who were meeting there?

A. Well, I can't say.

Q. What did you say to Mr. Lappin when he told you he was going home?

A. Well, I said if there was no meeting I don't know if I am going with you or not.

Q. How long had you been there?

A. Just long enough to go across the street.

Q. What else did you do?

A. I walked back up the street trying to locate Mr. Speck.

Q. Did you know Mr. Lappin?

A. Did I know Mr. Lappin?

Q. That is right.

A. Sure.

Q. What is his position?

A. I am not sure.

Q. You say you know who he is?
A. Yes, sir.
Q. He works in the mill?
A. Yes, sir.
Q. He was a representative on the representation plan, is that right?
A. Not that I know of.
Q. You know Lappin?
A. Yes, sir.
Q. What is his first name?
A. William.
Q. Do you know what he does?
A. I think he is a roller.
Q. Do you know whether he is a roller or an assistant roller?
A. Well, at the present time I can't tell you. He worked in the South Division and I worked in the East Division.
Q. How do you spell his name?
A. L-a-p-p-i-n.
Q. I mean at the time you were meeting him at that time or some months prior to that time, did you know what he was?
A. That is something I don't know.
Q. You don't know?
A. No, sir.
Q. How many times did you see Mr. Lappin before you came out there?
A. Well, this meeting that night?
Q. That is right, June 18th?
A. Well, I hadn't seen him for some time before that.
Q. Did you stop working on May 25th?
A. Yes, sir.
Q. Have you received any pay since May 25th to June 18th?
A. No, sir.

Q. Did you have any conversations with Mr. Lappin between May 25th or June 18th apart from the one you have now described?

A. No, sir.

Q. Were you a representative of the plan?

A. No, sir.

Q. What is the name of your foreman?

A. Well now, we call him Benny Seccomb, he is a turn foreman. There is a superintendent and there is an assistant superintendent. I don't know which one is the real one there.

Q. Had you had any conversations with any of those men before you went back to work?

A. No, sir.

MR. LAUTER: That is all.

Redirect Examination

Q. (By Mr. Day) You talked about having a conversation with a man by the name of William Lappin?

A. Yes, sir.

Q. Has he a son?

A. Yes, sir.

Q. Do you know his son's name?

A. Yes, sir.

Q. What is his name?

A. Carl.

MR. DAY: That is all.

MR. LAUTER: That is all.

(Witness excused.)

MARCUS SNYDER

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Day) What is your name?
A. Marcus Snyder.
Q. Where do you live?
A. 1386 Roslyn Avenue, S. W.
Q. Canton?
A. Yes, sir.
Q. What is your business?
A. Working for Republic Steel.
Q. In what capacity?
A. Sir?
Q. What is your job there?
A. Job annealer.
Q. What does a job annealer do?
A. Heats sheets.

TRIAL EXAMINER LINDSAY: What type of work do you do?

THE WITNESS: Just heat the sheets.

Q. You do what?
A. I heat the sheets.
Q. Heat the sheets? How long have you worked for Republic?
A. 20 years.
Q. Are you a married man?
A. Yes, sir.
Q. When you say you worked at the Republic 20 years you mean Republic and the companies that were there before Republic took them over?
A. Yes, sir, yes, sir.
Q. Were you working there at the time the strike was called?
A. Yes, sir.
Q. Now, on June 18th last, in the afternoon, were you up near the corner of Martindale Road and Market Avenue?
A. Yes, sir.
Q. How did you go up there?

A. A fellow by the name of Baker drove in a car and I drove with him.

Q. Who is Baker?

A. Janitor, I believe, at the Republic office.

Q. What division do you work in, by the way?

A. Stark division.

Q. And where did you drive to?

A. Martindale Road and Market Street, about—

Q. What did you see there?

A. Well, we drove out there and we—about 1000 feet off of Market Street why—

MR. LAUTER: Excuse me just a moment. I want to object to that question and move that the answer as far as it has been given be stricken from the record on the ground it is incompetent, irrelevant and immaterial. I want to note formally for the record my objection at this time to any further happenings of the same kind on Martindale, on the ground it is cumulative. It is entirely possible that there may have been 500 people that gathered there. Is it the intention of counsel for the Respondent to put on 500 people to testify what happened there that night?

MR. DAY: No, it is not.

MR. LAUTER: We have had a half dozen already.

MR. DAY: We do not intend to put on 500.

MR. LAUTER: Well, that is some consolation.

TRIAL EXAMINER LINDSAY: With this particular witness I am going to deny your motion. Let the record show an exception.

MR. LAUTER: Exception.

Q. What happened? What did you see there?

A. We drove up there, we seen a couple of cars there and we—when we drove up there we heard of a Back-to-Work Movement and the fellow employees said we would meet up there and we will go back to work. I drove up

there and we seen a bunch of cars there and when we drove up there they didn't look very good.

Q. Don't tell that.

TRIAL EXAMINER LINDSAY: Strike that out.

Q. (By Mr. Day) Don't tell whether they looked good or not. Just tell what you saw.

A. Well, we saw some men aside of the road wearing C. I. O. buttons.

Q. Men on the side of the road wearing C. I. O. buttons? About how many of them did you see wearing C. I. O. buttons?

A. Well, probably I would say 20.

Q. What did they do?

A. They didn't do nothing to us. We seen it wasn't our bunch, so we parked maybe a minute or so and drove off.

Q. Were these men carrying anything?

A. Clubs, pipes, some had guns, stones.

Q. What, if anything, did you see them do?

A. Sir?

Q. What did you see them do, if anything?

A. We saw them make some fellow raise up his hand and search him.

Q. Now, when you say "search him" just what did they do?

A. Well, they—he put up his hands and they went like that (indicating.) I don't know what they were searching for.

Q. When you say "search" you mean that they felt of him?

A. Yes.

MR. DAY: Let the record show that they felt him, where he said "searched," if there is no objection to that.

Q. Did you see Monk Stewart there that night?

A. Yes, sir.

TRIAL EXAMINER LINDSAY: Now, Mr. Day, you have gone far enough with leading questions. Ask him what he saw up there.

MR. DAY: Well, I thought that was the most direct way to get at it.

Q. (By Mr. Day) Whom did you see there?

A. Monk Stewart.

Q. What did you see?

A. Two C. I. O. men that I recognized, and one I know was a C. I. O. man but didn't have no buttor on him. I know he was C. I. O.

Q. What did happen to Monk Stewart, if anything?

A. Nothing that I seen, they just surrounded him and that is all.

Q. That is all you saw?

A. That is all I seen.

Q. Now, then, what did you do?

A. Well, Baker and I drove out and went home.

Q. And that is all that happened?

A. Yes, sir.

MR. DAY: That is all.

MR. LAUTER: I move to strike the testimony of this witness, and I think it is a scandalous exhibition, Mr. Trial Examiner, to put witnesses on of this kind, and I object to any further inquiry on what happened on Martindale Road.

TRIAL EXAMINER LINDSAY: Well, I am going to now grant the motion that this testimony be stricken from the record. Let the record show an exception.

MR. DAY: Yes, and let the record show that we resent the statement that this is a scandalous exhibition. That is all, sir.

(Witness excused.)

MR. DAY: Now, Mr. Examiner, that is about all the witnesses I have up to date, to put on the stand.

TRIAL EXAMINER LINDSAY: Mr. Lauter and Mr. Hoskins, come up here.

(Conference held between the Examiner and Counsel.)

MR. DAY: I want to make this statement in the record. Now this is in the record: At this time the Respondent asks the Trial Examiner to postpone the further hearing of evidence in this case until next Monday morning at 9:30, September 13. In this connection we state to the Trial Examiner that Judge Pontius, one of counsel for the Respondent, saw a doctor this noon at the recess and the doctor gave a written statement to the effect that he is suffering from cellulitis and that he had advised the Judge to go home and stay there several days. I haven't that letter, but with the Examiner's permission, I would like to have the letter put in, and the Examiner saw the letter.

I want to also state that Mr. Veach, one of my partners, who has had a very active part in all of our labor matters, has been ever since Labor Day in Cumberland, Maryland, in connection with another Labor Board hearing which, so far as I am advised, began yesterday, and so far as I am advised now is still in progress, though I have no absolutely definite information on that subject.

Judge Pontius, together with some of the Canton men connected with the Respondent, has had active charge of the preparation of the Canton defense evidence. I think that it would expedite the hearing in this case if we could have a postponement until next Monday and devote some of the time tomorrow and perhaps Sunday to arranging and marshalling our evidence.

I wish to say also that before determining the full scope and force of our defense, I am very anxious to talk to my associate, Mr. Veach, and if possible, Mr.

Pontius.

I also wish to say that if the Trial Examiner feels that holding a night session or night sessions next week would make up for any time lost by the request for delay, we will arrange to do that. However, I would appreciate it very much if no night session be held next Monday.

TRIAL EXAMINER LINDSAY: Well, as much as I dislike to adjourn until Monday morning, I feel that because of the sickness of the Judge and because of the fact that Mr. Veach is also absent from the hearing, and further because of the fact that Mr. Day advises me that he has no more witnesses to whom he has personally talked, it is almost incumbent upon me to adjourn the case until Monday morning.

MR. DAY: I would like to say that there are some witnesses to whom I have talked, to some extent in conferences, but there is none—

TRIAL EXAMINER LINDSAY: I didn't understand that.

MR. DAY: Yes, but there are no witnesses that I would feel that I should put up on the stand at this time, having sufficient knowledge of his testimony.

MR. LAUTER: May I just make one comment for the record and that is that although requested to appear with copy of the police records show the name and other data of the person who was alleged to have attacked Deputy Sheriff France, on September 10th, the Deputy Sheriff France has thus far failed to appear with those records, although he had been requested to do so the previous date, and had agreed to do so, on September 9th, 1936.

MR. DAY: Well, we will endeavor to get in touch with Deputy Sheriff France.

MR. LAUTER: Just a formal statement. I wish you would. I want to see it, and that is all.

MR. DAY: And see about getting the records in. We will co-operate with the Trial Examiner and counsel for the Labor Board in that regard.

TRIAL EXAMINER LINDSAY: You might state in the record there that I will not grant any more adjournments. The hearing is adjourned until Monday morning at 9:30.

(Whereupon at 5:00 o'clock p. m., September 10, 1937, an adjournment was taken to 9:30 a. m., September 13, 1937.)

Council Chambers, City Hall,
Canton, Ohio,
Monday, September 13, 1937.

The above-entitled matter came on for hearing, pursuant to adjournment, at 9:30 o'clock a. m.

Before:

John T. Lindsay, Trial Examiner.

Appearances:

Mark Lauter, Esq., and Joseph A. Hoskins, Esq., appearing for the National Labor Relations Board.

Luther Day, Esq., (Cleveland, Ohio), appearing for the Respondent.

PROCEEDINGS

TRIAL EXAMINER LINDSAY: The hearing is called to order.

DAN ALLEN

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Day) Will you state your name, please?
A. Dan Allen.
Q. How old are you, Mr. Allen?
A. 36.
Q. Married or unmarried?
A. Married.
Q. Where do you live?
A. East Canton.
Q. What is your business?
A. Guide setter.
Q. For Republic Steel Corporation?
A. Yes, sir.
Q. How long have you worked for Republic?
A. 20 years.
Q. That is Republic and the companies that preceded it?
A. Yes.
Q. Mr. Allen, on the afternoon of June 18th about 5:30 or 6 o'clock in the evening, where were you?
A. On 25th Street and Market Avenue.
Q. About what time did you get there?
A. About 20 minutes till 6, I should imagine something like that.
Q. Why did you go up there; what was the occasion of your going there?
A. I heard in the afternoon that they were going to move and go back to work, and I drove up intending to go in to see if they were in.
Q. When did you stop working for the Republic?
A. It was the 25th of May.
Q. When you went up there, did you go in?

A. I parked half a block up on Market Street. I met a fellow up on Market Street. I don't know his name. I got out of the machine—I never seen the fellow after he got out of the machine any more.

Q. Now, after you got out of this car, will you tell us what you observed?

A. I got out of the car and this fellow got out with me. There was quite a crowd there and I parked my car on Market Street and Gordon Hess was disbursing the crowd and he told me I couldn't go up there. Then I seen Jim Davies—

Q. Let us stop there at Gordon Hess. Tell what happened; go forward.

A. The crowd was gathered to go inside.

Q. Gordon Hess is whom?

A. Gordon Hess?

Q. Yes, Gordon Hess is connected with the Republic over in Massillon?

A. Yes.

Q. Now, you were going to say something about Jim Davies.

A. Jim Davies told me to go ahead and finish disbursing the crowd so there wouldn't be any trouble. If anybody wanted to go in there—the law or the Republic Steel or anybody—they was ready for disbursing them. There was three boys standing on the corner of Market.

Q. Do you know Mr. Hess' position with the Republic?

A. I didn't know Gordon Hess until he introduced himself after.

Q. Do you know if he is an officer of the Republic?

A. Yes, sir.

Q. Do you know what he does?

A. Superintendent of the South Works Division.

Q. Superintendent of the South Works Division?

A. Yes.

Q. Now, go forward and tell what happened.

A. Well, I was speaking to Milton Betz and another boy that I didn't know at that time; and another boy, I didn't know his name; and found it out later.

Then several cars came down Market, I paid no attention to them because my back was to Market Street and I was talking to these boys and I started to my car, to go home. I turned around and somebody hollered my name and I turned around and recognized a fellow by the name of Virchfield, a crane man.

Q. He was what?

A. A crane man at Republic Steel.

Q. Does he belong to the C. I. O.?

A. Well, I can't say for sure he did.

Q. All right.

A. But I was hit on the head, and my memory, from then on until around Crystal Park, I can't account for. When my memory came back to me I was crossing that bridge at Cook's Creek, Cook's Park.

Q. Now, crossing the bridge at Cook, was that on the—where was that with reference to this Market Avenue and 26th Street? About how far away, if you know?

A. I imagine five miles, almost.

Q. A mile?

A. Oh, approximately three miles.

Q. Three miles? Then what happened?

A. Well—

Q. Now, you say your memory came back to you?

A. Yes, sir.

Q. When that happened who were you with?

A. I was in a car with two—one man in the back seat and two in the front seat.

Q. Did you know them?

A. I did not.

Q. Well, then what happened?

A. Then I asked them, then, where I was going, and

they said, "Bandi's Hall." I asked them why they had to beat a fellow up to take him over there and he just said, "We had to get you, and that that is all there is to it." Then I was taken to the corner of Beldon Avenue and Mahoning Road.

Q. Yes.

A. And they told me to wait until they went to the hall. They came back out, meantime they were showing me a picture of Monk Stewart in the paper that night, asked me if I knew him. Then I sat there probably five minutes in the car with—

Q. Now, what Stewart, that is John Stewart?

A. John Stewart.

Q. Yes.

A. I stood there probably five minutes and they come back out of the Hall, they said, "Take him around to the back." And I imagine at that time the police were not come, anyway, they took me—

Q. What you imagine may go out by consent.

A. All right. They took me between the Crystal Park Hospital and the post office, back into the slight ravine-like, let me sit for a while, then they got me out and took me to the hall, back over towards the hall.

Q. Now, the car that you were riding in, was that your own car?

A. No, sir.

Q. When you got to the hall what happened?

A. They took me up, started me into the hall, and something happened that they ordered me back, and when I started to walk I had a severe pain in the back of my head, from walking. And they took me back to the car and I sat there probably 20 minutes and Homer Downer came out and talked to me.

Q. What talk did you have with Mr. Downer?

A. Well, Homer, he just told me that Republic Steel would never start up unless they recognized the C. I. O.,

and he said then after he started to leave, he said, "I suppose it is no use to ask you to sign?" And I didn't answer that.

Q. What was your condition when you were in there?

A. Well, I had a—they hit me on the back of the head, my lips were badly cut, my eyes were bruised up bad, and my ribs were hurting, but not much.

Q. Do you know whether or not you signed a card in there, C. I. O. card?

A. Sir?

Q. Do you know whether you signed a C. I. O. card?

A. They gave me one but I don't remember of signing a C. I. O. card. The card, however, I got was supposed to be my signature is not my signature, and I don't remember of signing a C. I. O. card.

Q. You don't remember one way or the other about it?

A. No, sir, I would have, under the conditions, if I would have been asked, but I wasn't asked. We walked into the hall and they said, "This boy wants a card."

Q. You don't remember whether you signed one or not?

A. I do not. I have a card and a picket card, both.

Q. Well, what else happened next?

A. Well, Downer left me and Sweeney came up there, asked me when we were going into the mill. I told him 5:30. "Well," he says, "it is after 5:30 now." I says, "That is all I know." That was finished. He says—I says, "I don't know anything more about it." It was rumored uptown that it was going at 5:30, but I didn't know any more about it after 5:30.

Q. Then what happened in the Hall?

A. Well, you mean—

Q. In Bandi's Hall after Sweeney came up?

A. Well, Beckner came up there later.

Q. That is Beckner—

TRIAL EXAMINER LINDSAY: Just a minute, off the record.

(Discussion held off the record.)

TRIAL EXAMINER LINDSAY: Will you go back and read the testimony?

(The testimony of the witness read by the Reporter.)

MR. DAY: That is right.

TRIAL EXAMINER LINDSAY: Every one of your questions is putting him in Bandi's Hall.

MR. DAY: I thought he said he was in Bandi's Hall.

TRIAL EXAMINER LINDSAY: He was sitting out in the car.

THE WITNESS: They took me back.

Q. Oh, I see, this took place while you were out in the car?

A. Yes, sir.

Q. All right then.

TRIAL EXAMINER LINDSAY: Will you read back that direct examination?

(The testimony read by the Reporter.)

TRIAL EXAMINER LINDSAY: You see, he was out in the car all this time.

Q. I see. Now, the talk that you have given us with Downer, was that out in the car, and when the car was outside?

A. In the car, yes, sir. I was still in the back seat of the machine. They put me back in the back.

Q. Did you see Sweeney when you were on the outside of the hall?

A. Not until he came out to the car.

Q. When he came up to the car, what happened?

A. He sat down in the car and asked me questions about when we were to go in, that is when I told him that we were going in at 5:30, which the rumor was. And he

said, "Well, it is after 5:30 now." I said, "That is all I know, then."

Q. And you say that Mr. Beckner came up, was that when you were out in the car?

A. Yes, sir, and Sweeney left and one of these boys in the car told me, he says, "The best thing you can do is to sign up with us and save yourself more trouble." Well, Beckner came up and he looked at me and he says, "We are going to take pictures of you."

Q. Is that when you were out in the car?

A. Still in the car, yes, sir. He says, "Take him out."

So they started—I started to get out of the car and this one boy helped me out, he says, "Take a card, and don't take any more punishment." Well, they took me from there over to the creek bank and put a sign around me and took three flashlight pictures of me.

Q. Can you remember what was on the side?

A. I didn't—I couldn't see so good but I was told after I was to the hospital what was on the side.

Q. Just tell us that. If you don't remember, yourself, don't tell us.

A. I did not.

Q. Then what else happened out there?

A. After the pictures was taken?

Q. Yes.

A. These two boys came back together, two boys came up and took me then into the hall.

Q. Took you into the hall?

A. Yes, sir, from there.

Q. I see, now, after you got into the hall what happened?

A. They took me down and when we walked into the steps there was, I imagine, probably three steps, maybe only two, from the landing into where there is a long bench. I don't remember of leaving those steps, they gave me this

card and a picket card and a boy that was with me told me to come out, he was captain, I guess, of this line, anyhow, he told me to come out on the Georgetown Road and Wheeling, Lake Erie tracks.

Q. Yes.

A. That is No. 8 picket post, I believe.

Q. Yes.

A. Well, when I started to turn away and go away a big colored boy by the name of Stokes says to me, "Put him on No. 7, I am captain of that line. I want the office force to see him."

Q. All right.

A. So I just shook my head at Stokes, I didn't feel much like arguing. They took me out then and I asked—they asked me where my car was. I told them I would go to the car if they would let me out. So they took me, these boys in the same car, took me up on the corner of East Tuscarawas and Belden Avenue and let me off.

Q. Did you ever go out on picket duty?

A. No, sir.

Q. Then where did you go from there?

A. I started to walk and this pain got in the back of the head again and I sat down on the corner of Belden Avenue and East Tusc, down below there probably half a block. I sat there probably 20 minutes and I got up and I walked a couple of blocks more and I sat down again. The next time I walked down to a filling station on the corner of Waynesburg Road and Belden Avenue and I sat there a while on the curb. Then I went over to Harry Lehman's house and asked Mrs. Lehman if she would take me up to get my car, which she did.

She let me off up 25th Street and I came back and got in my car and drove a while and then I stopped and I drove from then on and went to 4th Street southeast.

Q. I don't want that in detail. Did you afterwards go to a hospital?

A. I went to the hospital, yes, sir.

Q. How long were you there?

A. Nine days.

Q. Mr. Allen, were you a member of this Back-to-Work Committee?

A. No, sir.

Q. Well, were you a member of the Committee at the Belden Hotel?

A. Yes, sir.

Q. That had to do with the Back-to-Work and the guarding of the homes?

A. Yes, sir.

Q That is the same Committee that Mr. Stewart testified about?

A. Yes, sir.

Q. You belonged to that Committee?

A. Yes, sir.

Q. That had to do with Back-to-Work and guarding homes?

A. Yes, sir.

TRIAL EXAMINER LINDSAY: Well now, just a minute. Strike that out and ask him what the activities were.

Q. What were the activities?

TRIAL EXAMINER LINDSAY: He has testified—he is testifying, Mr. Day, not you.

MR. DAY: All right.

Q. I don't want to ask you, Mr. Allen—what was the purpose of the Committee as you understood it?

A. We came out of the mill and we held a vote at the Auditorium.

Q. About Back-to-Work?

A. Yes, sir.

MR. DAY: I think that is all.

MR. LAUTER: Will you read that second question?

(The question and answer were read.)

Cross Examination

Q. (By Mr. Lauter) Well, it was an active Back-to-Work movement, this Committee?

A. Yes, sir.

Q. Now, were you a representative of the Employees Representative Plan?

A. Yes.

Q. How long were you represented?

A. One year.

Q. What year was that?

A. 1936 and 1937.

Q. And you were a representative until some time in June, 1937?

A. Yes, sir.

Q. Any steps had been taken about the employees' representatives at the plant?

A. Yes, sir.

Q. What is that?

A. Yes, sir.

Q. Were those steps taken on the day you testified; some time in June?

A. No, it was taken after the 1st of May.

Q. What is that?

A. After the 1st of May.

Q. What steps were taken?

A. We organized an Employees Representative Association.

Q. Who organized that? This boy and the former representatives? The representatives who brought the employees' representatives?

A. Yes, sir.

Q. Now, you stopped work in the mill on May 25th?

A. Yes, sir.

Q. Have you lost any pay since the strike?

A. Yes, sir, one pay, while I was off sick.

Q. What is that?

A. Yes, sir; one pay, while I was off sick.

Q. That is since May 25th?

A. On the 18th of June I was on the sick relief; from then until I went back to work on the 20th of July.

Q. Now, from May 25th to June 18th you were paid, is that correct?

A. Yes, sir.

Q. How many hours a day were you paid for?

A. 14, I guess.

Q. Now, who is Frank Geltz?

A. Chairman of the body.

Q. And he is an employees' representative or a Company representative?

A. An employees' representative.

Q. And this Mr. Stewart, what was his position in the plant? Was he a Company representative?

A. No, sir.

Q. Or an employees' Representative?

A. No, sir.

Q. How about Stokoe?

A. He was.

Q. What was he?

A. Employees' representative.

Q. How about Schauer?

A. No, sir.

Q. Neither?

A. Neither.

Q. Neither an employees' representative or a Company representative, is that correct?

A. No.

Q. How about Roy Deffenbaugh?

A. He was an employees' representative.

Q. And Hiley?

A. No, sir.

Q. And Lappin?

A. Yes, sir.

Q. What was he?
A. Employees' representative.
Q. And Ray Lilly?
A. Employees' representative.
Q. Joe Cox?
A. Yes, sir, representative.
Q. Which?
A. Employees.
Q. Feder?
A. Yes, sir.
Q. Who was he?
A. Employees' representative.
Q. George Doyle?
A. Yes, sir, representative.
Q. Now, did Mr. Lappin bring you a pay check?
A. No, sir.
Q. At the Belden Hotel?
A. No, sir.
Q. Were you at the meeting that was held in the plant on the day of the strike?
A. No, sir.
Q. You were at the meeting at someone's home on May 25th? The day of the strike there was a meeting held at someone's home; the person who has not been identified?
A. It was Walter Lorrah on Market Street. We just gathered there; there was no meeting there.

TRIAL EXAMINER LINDSAY: Will you read that answer?

(The last answer was read.)

Q. Now, who was at that gathering?
A. I don't just remember who was there—Lappin, Hiley, Lorrah,—the other ones I can't remember.
Q. Was Mr. Geltz there?
A. Yes, he was there and Hiley and Lorrah.
Q. What time did that gathering get together?

A. Must have been 11:30 or 12 o'clock, I imagine.

Q. Were you working that day? Did you work that day?

A. Yes, sir, I work from 4 until a quarter to 12.

Q. That is from 4 in the afternoon until 12 at night?

A. Yes, sir.

Q. Who advised you to come to Lorrah's home?

A. I intended to work. I called my wife to come and get me in the car; she came and got me, and then I seen Frank, and it was decided then that I should go out there.

Q. What is that?

A. It was decided then that I should go out. He appointed me to go out. Before I went out there, I went down and changed clothes to go out, which I did.

Q. Was Frank Geitz the man who told you to go to Lorrah's house?

A. He told me to meet him in front of Lorrah's house, and that is where we met.

Q. Who else did you meet there?

A. Most of the fellows that were in the Committee?

Q. How does it happen that only a few of them congregated in Mr. Lorrah's house?

A. We went up there—I went up there first, and then I went back home to change clothes. When I came back they said we should go up to the Belden Hotel. That is how we got to the Belden Hotel.

Q. Was there a meeting between the time of the Lorrah's gathering and the Belden Hotel?

A. No, sir.

Q. When did you get to the Belden Hotel?

A. About 1 o'clock in the morning.

Q. That is the night of the strike?

A. The morning after.

Q. The 26th?

A. Yes, sir.

Q. Now, did Mr. Geltz tell you who appointed you? Was that his own appointment?

A. His own appointment.

Q. Did you know whether or not he appointed anyone else; of any of the others?

A. Oh, all of them were appointed by him.

Q. Were you told what you were expected to do as a result of your appointment?

A. Only on this vote proposition at the Auditorium.

Q. When were you informed about the fact that you were to guard homes?

A. Well, the trouble started for me the third day of the strike. The men started calling my home.

Q. Is that the first you knew that you were going to guard homes?

A. I went to do that myself; yes, sir—

Q. I am asking you whether or not you got any instructions by Mr. Geltz or anyone connected with the Company concerning the fact that you were expected to guard homes?

A. No, sir, I didn't.

Q. Were you told by Mr. Geltz that you were appointed by him?

A. You mean at the mill?

Q. That is right.

A. Oh, I was told that we were to go out and help.

Q. Then you met in front of Lorrah's house? How long did you stay there?

A. About 20 minutes.

Q. What was said there?

A. I don't just remember.

Q. Do you remember what the general topic of the conversation was?

A. Strike, mostly.

Q. What were the activities of this group expected to be, in connection with this strike?

A. Well, we had settled about two years ago on a vote and then we decided to do the same thing.

Q. Was any action taken?

A. Yes, sir.

Q. Then you went to Mr. Lorrah's house?

A. Yes, sir.

Q. You testified a number of people were there?

A. Yes, sir.

Q. How long did that gathering there take place?

A. I was there only probably a half an hour.

Q. Was there any discussion about going back to work at that time?

A. No, sir.

Q. Had you heard a strike had been called?

A. The strike was called before I left the plant.

Q. Before you left the plant?

A. Yes, sir.

Q. The strike was called about 11 o'clock?

A. I imagine around in there some time.

Q. Did you have any conference with the plant superintendent?

A. I didn't.

Q. Did any of the other men, as far as you know?

A. No, sir, not as far as I know.

Q. Subsequent to May 25th, did you have any conference with the plant superintendent or with any other Republic men?

A. What is that?

Q. Subsequent to May 25th, did you have any conference with the plant superintendent or any other Republic men?

A. Only on the meeting of cases.

Q. What is that?

A. Only on the meeting of cases. That is the case that would come up in the mill.

Q. Subsequent to May 25th?

A. Yes, sir.

Q. What cases? Before or after the strike?

A. Since the strike?

Q. Yes, sir.

A. I never had cases before the strike.

Q. Did you have any conferences with the plant superintendent?

A. Nothing outside of bidding him the time of the day.

Q. Where were you, back in the mill after May 25th?

A. No, sir, not until July 20th.

Q. That was the first time?

A. Yes, sir.

Q. Not even for a casual visit or just to go back?

A. I didn't go back at all.

Q. When you got to the Belden Hotel on May 26th, who was there?

A. Joe Cox, Carl Lappin, Deffenbaugh, and Stokoe, and I think a couple of roll turners were there, too.

Q. What did you do there that night?

A. Sir?

Q. What did you do there that night?

A. Well, we made arrangements for this vote at the Auditorium as best we could.

Q. When was that to take place?

A. I think on Thursday at 9 o'clock; Thursday morning.

Q. Do you recall whether or not 818 and 819 were the rooms that were used by the Committee?

A. That is right.

Q. Do you know who paid for the use of those rooms?

A. I don't.

Q. Do you know whether Mr. Lappin ever paid for them?

A. Not that I know of. I left there on the 18th and

I had nothing to do with the rooms whatever. I never seen nothing like that.

Q. Were meals served in the rooms there?

A. No, sir.

Q. Did you pay for your own meals?

A. Yes, sir, on the outside.

Q. Well, were any meals or any refreshments served there?

A. Not that I know of.

Q. Were you there from May 26th to June 18th each day?

A. Sometimes I wouldn't report there; not all the time.

Q. The majority of the time you were there?

A. At the Belden?

Q. That is right.

A. I wouldn't be there the majority of the time.

Q. You got paid for that entire period for every day?

A. That is right.

Q. Do you know whether or not the foreman got in touch with any of the people at the Belden Hotel?

A. Not to my knowledge, no.

Q. Or the plant superintendent?

A. Not to my knowledge.

Q. Now, did you guard any homes?

A. Yes, sir.

Q. Who gave you instructions to guard homes?

A. My instructions came from my own men.

Q. What do you mean "my own men?"

A. Well, the men that were in the mill.

Q. The men that worked in there with you?

A. Not worked in there with me. The men I represented. They started to call my home up the third day of the strike. They called me at my home of men coming through there and threatening them with damages and so on.

Q. You testified about Gordon Hess and the fact that he urged a crowd to disburse that gathered at Market and 25th?

A. That is right.

Q. How far is Market and 25th from the plant?

A. You mean right from the plant?

Q. Yes, right from the plant where these men were going to go back to work

A. I should judge about four miles.

Q. What is Gordon Hess' position?

A. I don't know.

Q. He is an officer of the Company?

A. That is right.

Q. He has a high supervisory position, is that correct?

A. I wouldn't say.

MR. DAY: Will you read that question?

(The last question was read.)

MR. DAY: I can get you his position, if you want it. He is assistant sales manager of the alloy sales.

Q. Do you know how Gordon Hess happened to be there at Market and 25th?

A. I don't know.

Q. How long was he there?

A. Was he there?

Q. Was he there or were you there? How long?

A. About probably 20 minutes.

Q. Had you had any contact with him on that day prior to his coming there?

A. I had not.

Q. Who told you that they were supposed to go back in the mill at 5:30 on that day?

A. It was rumored through town in the afternoon, that is how I picked that up: I went home and made preparations for that.

Q. From whom did you hear that rumor?

A. On the street, just from different individuals I would talk to.

Q. Do you remember any of the individuals?

A. No, I don't.

Q. Do you know how Market and 25th Street happened to be selected as the place where the men were to gather?

A. No, sir, I didn't.

Q. You had nothing to do with the selection of that place?

A. Sir?

Q. You had nothing to do with the selection of that place?

A. I had not.

Q. Do you know whether any of the members of your committee had?

A. Not to my knowledge.

MR. LAUTER: That's all.

TRIAL EXAMINER LINDSAY: Off the record.

(Discussion held off the record.)

TRIAL EXAMINER LINDSAY: On the record.

Redirect Examination

Q. (By Mr. Day) Was that vote held at the auditorium?

A. No, sir.

Q. Were you at the auditorium at the time set to hold it?

A. Yes, sir.

Q. Just tell the Trial Examiner what, if anything, you saw happen up there?

A. Well, we gathered there before 9 o'clock, probably, I think there were 39 of us when the time come for the

door to open, and Frank Geltz went for police protection, there were no policemen there at the time; they sent two police over and from what I get from them, Frank—

Q. Don't tell what you got from them. P'ease just state what you saw and if you didn't see any more than that, don't tell us about it.

A. Well, I can't tell any more, then, because Geltz handled it from then on.

Q. Geltz handled it from there on?

A. Yes, sir.

MR. DAY: I think that is all, sir.

MR. LAUTER: That's all.

(Witness excused.)

PHILLIP SCHAUER

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Day) What is your name?
A. Phillip Schauer.
Q. Where do you live?
A. R. D. 1, Canal Fulton.
Q. Where do you work?
A. Republic Steel.
Q. At what plant?
A. At their Canton plant.
Q. Canal Fulton is about how far from Canton?
A. About 12 miles, four miles from Massillon Square.
Q. Are you a married man?
A. Yes, sir.
Q. Do you work for Republic Steel Corporation?
A. Yes, sir.
Q. How long have you worked at Republic Steel?

A. At both plants it has been a little over 15 years, counting Massillon and Canton.

Q. And that, of course, includes work for companies that were afterwards taken over by Republic, doesn't it?

A. That is right.

Q. What is your job at Republic?

A. Roll turner.

Q. Roll turner? Where were you on the afternoon of June 18th last, about 5 o'clock or along in there?

A. About 5 o'clock I was down at the Belden—well, I think I just left the Belden Hotel at 5 o'clock.

Q. And where did you go?

A. I went down to get in my car with Stewart.

Q. Is that John Stewart?

A. I can't tell you his first name. All I know him by is Stewart.

Q. Anybody else?

A. Well, we was going to get in the car, going to the parking lot, and before we got to the car, why at that time I wasn't acquainted with these representatives or any of those fellows, and this Stokoe, I hadn't met him much but meantime I knew his name was Stokoe, why Stewart invited him to go along and Stokoe says, "I have nothing to do, sure I will ride along."

Q. Well, did he go along, never mind the conversation?

A. He went along.

Q. And the three of you went together?

A. Three of us went together and we drove up there, we got up there, it was five minutes after 5:00 to Martindale Road.

Q. What did you do after you got out there?

A. Well, I wasn't supposed to do anything only take Stewart up. So I got out of the car on the driver's side and I was away off of the brick road, and my arm on the window and foot on the running board and waiting. Stew-

art went down a little further but I couldn't say, I wasn't there very long, a few minutes, some cars started to coming up. Stewart motioned for them to turn around. Of course, I am no sheet steel man, I figured Stewart knew them, was going to tell them about not going back to work. And meantime one car parked right across from me and they didn't turn around, they just kept heading towards Market Street.

TRIAL EXAMINER LINDSAY: Read the last answer for me.

(The previous answer was read down to the following:

"A. . . . Of course, I am no sheet steel man, I figured Stewart knew them, was going to tell them about not going back to work.")

MR. DAY: That may certainly go out.

TRIAL EXAMINER LINDSAY: That part, we will strike out.

MR. DAY: Yes.

Q. (By Mr. Day) Just tell what you did and what you saw, what happened to you.

A. We parked, waited there and first we noticed some fellows get out, and there was a gang got around me and asked me what I was doing there.

"Well," I says, "I just come up here." I seen the expression on their faces, it was a little different than what I figured I was up there for. I heard them ask Stewart the same thing.

They said to me, "Do you belong to the C. I. O.?" I says, "No, sir." "Well, what are you doing up here?" "Well," I says, "I just drove up here," so well there was —they kept talking, and the first thing you know a guy threw my coat back and he says, "Oh, you are one of them God damn rats deputies."

"Oh, no," I says, Well, they were all going to take a poke at me, started to search me, thought I had a gun.

"Oh, no," I says, "you are badly mistaken." I pulled my credentials out, showed them my credential sheets figuring from January sometime.

Q. That you were what?

A. Special deputy.

Q. From January sometime?

A. From January.

Q. Deputy what?

A. Sheriff. And so they read it, they handed them back to me, handed the credentials back. "Well, you are going with us."

And I had a lot of stuff in the car and I says—pleaded with them to let me lock the car up. Every time I would open my trap there was some guy ready to take a poke at me.

There was one man there from Massillon, he told me, he says, "That is my friend from Massillon," he says, "leave him alone."

And they put me in another car, in a sedan, and the guy from Massillon was on the left of me and another guy on the right of me. There was three guys in the front seat.

Q. Where did you go then?

A. Well, we drove and stopped at Bandi's Hall.

Q. Then what happened to you after you got to Bandi's Hall?

A. When they got to Bandi's Hall why they took me out and says, "He is one of them God damn rats deputies." They says, "Take him down."

So they took me down the steps, a couple of guys kicked me a couple of times, tried to take a swing at me and I wasn't—it only just—didn't hurt me to any extent.

Q. All right.

A. So they took me down to a turn to the right in the back end of the hall and took me in a little room there.

Q. Yes.

A. I was in there a while and they told me—wanted to know who I was, so I showed these credentials and at the time I didn't know who he was, but it was Martin Beckner, so he kept the credentials and he came over and he threw my coat back and seen the badge, took his fingers and ripped it off.

Q. All right.

A. Threw it on the floor, he says, "That don't mean a God damn thing to us."

Q. Go on.

A. Well, meantime, then, of course, there was a lot of fists that was going to take a poke at me when I was sitting on a chair, this fellow standing on the right of me from Massillon, he said he was from Massillon, and of course I didn't know him, I have no doubt met him since, he stopped them from hitting me, he says, "You leave him alone, he is my friend from Massillon." Meantime they bring Stokoe in, bring him in, and the guy Sweeney came in with him.

Q. What, if anything, happened to you in the hall?

A. There was nothing happened to me, that is being hit in the hall.

Q. Then what happened, what did happen to you?

A. Well, when I got out on the sidewalk with the cop, why the guy took and smashed me then, I don't know whether he hit me with his fist or a club.

Q. Where did he hit you?

A. On this side of the face (indicating). I don't know whether it was a big—broke my jaw inside, top and bottom. I don't know what he hit me with.

Q. Did you ever go to see some doctor because of that?

A. Yes, they called a doctor.

Q. Now, what, if anything—did you see Mr. Stokoe in there?

A. I seen them bring him in.

Q. What, if anything, did you see happen to Stokoe when he was in there?

A. When they brought Stokoe in, why then they says, "Here is another one of them God damn rats representatives," so they took him back in the corner and his head was cut open. Of course, I didn't know at the time what happened to him, and they slapped him and knocked him down, and he got up and they knocked him down—I know three times he was hit, they wanted him to talk. Of course, what the questions were they were asking him, I know the man didn't know what to answer.

Q. How long were you there altogether in Bandi's Hall?

A. Well, the predicament you are in, it would be hard to swear to it, I imagine 10 to 15 minutes.

Q. Then where did you go from there?

A. Well, I went from there, they put us in the police cruiser and took up to the police station, Stokoe and I in the same car.

MR. DAY: I think that's all.

Cross Examination

Q. (By Mr. Lauter) Were you charged with any offense at the police station?

A. No, sir.

Q. Whom did you say called the doctor?

A. Why, I think it was Carl Lappin, I would not say for sure. It was somebody up there in the Belden Hotel.

Q. Belden Hotel?

A. Belden Hotel.

Q. How did you get to the Belden Hotel that day?

A. Mr. Stewart called a taxi, and we taxied back up, the three of us, up from the police station.

Q. Was that from the police station?

A. From the police station, yes, sir.

Q. You didn't go to the hospital that day, did you?

A. No, sir.

Q. Can you identify anyone who struck you?

A. Sir?

Q. Can you identify anyone who struck you?

A. No, I couldn't.

Q. Can you identify anybody who struck Stokoe?

A. No, I couldn't.

Q. When did you leave the mill?

A. 3 o'clock the day the strike was called.

Q. What turn did you work, that day?

A. Day turn, 7 to 3.

Q. Are you a member of the committee of guards so called, that guarded the homes, that was interested in the Back-to-Work Movement?

A. Well, I know who they can't now. At the time I didn't know any of them only Carl Lappin.

Q. And you were a member of that group?

A. I was not. Not.

Q. What time did you become a member?

A. Well, in fact I didn't know I was a member. I was called—I was the president of the roll turners and our committee had met, there, three men that I had appointed, and I found out the brick layers' union was going to stay in, they wasn't coming out.

Q. Just one second. You were president of the roll turners?

A. Roll turners organization, I was at that time.

Q. How large an organization is that?

A. Well, it is a national organization, it takes in—well, whatever roll turners there is in each city or adjoining counties.

Q. Were you president of the whole organization, or just local?

A. Just the local, I was at that time, until we had the last election.

Q. How many roll turners are there here in this community?

A. Well, I should judge about thirty some—thirty I would say, one way or the other—a couple less, one way or the other, at Republic.

Q. Is that the Massillon plant?

A. At the Canton.

Q. Canton plant?

A. At Massillon, none of them belonged to it. They did, though.

Q. You are employed at the Canton plant, is that correct?

A. Canton plant, and the Timken roll turners belong.

Q. And does the thirty include Timken as well?

A. The union does, yes, sir.

Q. How many are there of Republic, at the Canton plant?

A. Republic Canton plant, well, it is like I say, it is maybe 28 or 32 or maybe 30. I said 30 would come up, one way or the other, I don't just exactly know.

Q. Where did you hold your meetings?

A. On a Sunday.

Q. Where?

A. On South Market, it is called the Cooty Club now.

Q. The what?

A. Cooty Club.

Q. You say you appointed some men?

A. I had appointed a committee, like any union does, appoint a committee, a grievance committee.

Q. Well, did you appoint a committee in connection with this strike?

A. That was before the strike, this committee was appointed.

Q. What was it appointed for?

A. Appointed before the strike, to take care of the men's grievances in the mill.

Q. You met with this committee, you say?

A. Yes, sir.

Q. When did you meet with them?

A. I met with them, Hyler called me up about 6 o'clock at home and I said I got to the main office—I asked him where he was and he says, "The main office."

Q. Hyler was at the main office at 6 o'clock?

A. He called me up at 6:00.

Q. Yes.

A. And I asked him where he was and he said he was at the main office; six or shortly after, I don't know just what time.

Q. Yes.

A. So I got in the car and I had to dress, I was working out in the yard, and I got ready and went down and he was there. Well, I didn't know where he was, I asked for him in the lobby and somebody says, "He is in there." So I went in and him and Lorrah was in there, he was one of the committeemen too.

Q. This is the main office at the plant?

A. Main office at the plant.

Q. Who were the other members of the committee which you appointed, who were present?

A. Why, they was all—there was another roll turner there by the name of "Smitty" Smith.

Q. Was Lorrah a roll turner?

A. Yes.

Q. Is that the complete committee, Lorrah, Smith and yourself?

A. Burkenbeil was one of the committee.

Q. Did he come down also?

A. He was in the mill working.

Q. Did he come to the main office at this time?

A. Yes.

Q. About what time did you say you got to the main office?

A. Well, I should judge about 7 o'clock.

Q. Whom did you go to see, then?

A. I seen Hyler and this Lorrah and Smitty was in there.

Q. Did you attend the 7 o'clock meeting that was held at the plant in which the representatives were present?

A. There was a couple representatives in there but at the time I didn't know them.

Q. Well, did you go to that gathering or group that met there to discuss, that night?

A. No, I did not, no meeting with the representatives.

Q. What did you do when you got to the mill? Tell me what happened.

A. I asked these gentlemen if the bricklayers was going to stay in? And he says, "There is the president of the bricklayers' union, right there."

Q. Who was that?

A. Well, I can't—can tell you in a minute. Teeters, I think the name was.

Q. Yes.

A. So I went over there, the men at the mill was wanting to find out what was going on, so I asked him and he says, "My men are staying in."

"Well," I says, "I guess if your men is ours is too."

So I should judge about 7:30 then they wanted some roll turners on the outside and some bricklayers.

Q. What do you mean, on the outside?

A. Well, that is all I knew at the time. Those going —they would meet us, make a certain meeting place, Lorrah says, "Well, you can meet at my place." This Lorrah, you know. So he had rooms up across, I would say across from that theatre there on North Market.

Q. Is that Loew's?

A. Across from Loew's.

Q. Yes, you say he had rooms there?

A. He had rooms, his wife lives there, he has five room apartment there, I should judge.

Q. Yes?

A. So Hyler and I and Lorrah, I don't think there was anybody else left with us, we went up there and we went up in the rooms.

Q. About what time was that?

A. Oh, I should judge we got up there, it was about 8 o'clock or so.

Q. Now, did you see the plant superintendent before you left the plant?

A. No, sir, I did not.

Q. Did you go straight to the plant from Lorrah's apartment?

A. Straight to Lorrah's apartment.

Q. What was the reason for meeting at Lorrah's apartment?

A. Well, we were supposed to meet, I think it was Carl Lappin who said that, he was the only representative I knew at that time, he said to, "Go up there, we will meet you there." And it proved—instead of standing on the streets, why that is where we met, up there.

Q. Did he say why he will meet you there?

A. Not that I can recollect.

Q. How long did you stay at Lorrah's apartment?

A. Well, that is pretty hard to tell, now, I imagine it was about 9 or 10 o'clock, one of them—Dan Allen came up, and saw Frank Geltz and Carl Lappin.

Q. Did you discuss the Back-to-Work Movement up there?

A. Nothing was discussed there at all.

Q. What is that?

A. Nothing was discussed there at all.

Q. What did you do all the time?

A. Well, they talked then about getting a place at some hotel. Of course, I had nothing to do with it. So they said there was supposed to be some other men down on the street. So they came back up and they said, "Well, we have decided to go to the Belden Hotel."

Q. Who told you they had decided?

A. Carl Lappan. So from Lorrah's place we went to the Belden Hotel.

Q. And what time did you get to the Belden Hotel?

A. Well, I imagine about 1 o'clock in the morning, of course, that is just a guess now.

Q. Did you know at that time the strike had been called?

A. Yes, sir.

Q. What did you understand to be your function of going to the Belden Hotel?

A. Well, in fact, there wasn't anything at all, to tell the truth about it at that time.

Q. What is that?

A. There wasn't anything at all.

Q. Why were you going to the Belden Hotel?

A. Oh, we was out, we wasn't in the mill working.

Q. Why did you go to the Belden Hotel? Why didn't you go some place else?

A. Well, there—them fellows all went to the Belden Hotel, and I went with them.

Q. Did they discuss why they went?

A. They hadn't at that time.

Q. You didn't know why you were going?

A. I didn't know a thing about it at that time.

Q. How long did you stay at the Belden Hotel that night?

A. I stayed there until 12 o'clock in the morning.

Q. You don't know why you stayed there that long?

A. Well, they were talking then about so many men

wanting to go back to work and being—trying to get a meeting at the Auditorium.

Q. What was the discussion about the men who wanted to go back to work, at 1 o'clock, after the strike had been called at 11?

A. Well, they was going to try to get the auditorium to call a vote, the men either wanted to go back or stay out.

Q. Well, did any of the men there express their interests in getting the men back to work?

A. Not any more than they expressed the men's interest of going back to work.

Q. Well, what did they say?

A. Well, there wasn't a whole lot said. This talking about trying to get the Auditorium to hold this vote, that is all I can tell you is the fact about it, that is all that was discussed.

Q. Now, have you lost any pay since May 25th?

A. No, sir.

Q. You are a roll turner, is that correct?

A. That is right.

Q. You went out on May 25th?

A. On May 25th.

Q. When did you go back to the plant?

A. Oh, I think the second day, after they opened up.

Q. Second? What day is that? In July?

A. Well, when they opened up to let the men in, I couldn't tell you, I don't remember what day I went in.

Q. Wasn't that the early part of July sometime?

A. Oh, that was when they first started going back and forth to work?

Q. How much do you make a week?

A. Why, my job now?

Q. Well, at the time in May and June?

A. May? Well, the first check I got was about $190 some dollars.

Q. For what period was that?

A. Around—I imagine for two weeks, and in fact, at the time I got it I didn't know I was going to get paid.

Q. But you did get paid?

A. I did.

Q. You weren't doing any work?

A. Well, all the work I done was, if anybody called in they had a window smashed, I went out and seen if they wanted a window put in or board it up. That is all I did, all the time.

Q. You didn't do any work in the mill?

A. No work in the mill.

Q. Frank Geltz was the man who appointed you?

A. I couldn't say that he appointed me.

Q. Or advised you?

A. When they had a meeting at the hotel there was so much wrangling, they finally said that they ought to have a leader or representative, that is what was said. Well, he—so we had as much voice in appointing Frank Geltz as the chairman, as what you would call the representatives. I didn't know much about them.

Q. Did Lappan bring you your check?

A. Carl Lappan handed me the check.

Q. And he gave you your assignment as to the way you would do the guard's duty?

A. Well, I imagine they would come in—all I could tell you, when I—

Q. Well, who gave you your assignment as to where to go?

A. Well, whoever would be there, when I would come in in the morning, whoever there were, they would say where somebody's window was broke that night, why they would send me there to see whether they wanted one put in or boarded up.

Q. How long did you stay on duty in front of these homes?

A. I didn't stay on duty in front of these homes at no time.

Q. But you did stay outside a couple of homes?

A. Just where the windows were broken and so on.

Q. How many hours a day on the average were you being paid for that kind of work?

A. Well, I would go out there at 8—7 or 8 o'clock in the morning. Sometimes I would be around, maybe, 9 or 10 o'clock.

Q. Well, you wouldn't be gathered out all day?

A. Well, I wouldn't stay there if there wasn't anything to be done. If there was no homes—if there wasn't anything to be done, I didn't do nothing.

Q. Well, did you get paid for approximately 14 hours a day as the others did?

A. To tell you the truth, I never paid no attention to it. My general pay was $140 for two weeks.

Q. $140?

A. Yes, sir.

Q. And this time you got $197, is that correct?

A. Well—

Q. Approximately?

A. 192 or 190, somewheres along in there.

Q. Did you have the same job that you had before while you were a roll turner?

A. Well, I was a roll turner.

Q. Now, on June 18th you went out to Martindale Road about 5 after 5, is that correct?

A. I left Canton at 5 o'clock and got to Martindale Road about 5 after 5.

Q. Do you know who told you or told Mr. Stewart about going out on Martindale Road?

A. I was just coming out of the hotel and Mr. Stewart asked me if I would drive him to Martindale Road; that

there was fellows who wanted to go to work and the Company didn't want them.

Q. Do you know who told Mr. Stewart?

A. No.

Q. You don't know how they had the meeting out there?

A. I can't tell you. I hadn't heard in town or anything.

MR. LAUTER: That is all.

MR. DAY: That is all.

MR. LAUTER: Just a few more questions, Mr. Schauer. Do you mind?

Q. When did you become a deputy?

A. Along in January some time. The exact time, I haven't any idea.

Q. At that time were you working in the mill?

A. At that time I was working in the mill.

Q. Were there any other Republic employees that became deputies at that time?

A. I can't tell you.

Q. How did you happen to become a deputy?

A. Well, at the election time we had a vote and most of us was deputized. They had no protection then.

Q. Was that a municipal election?

A. A presidential election.

Q. And you continued to be a deputy right along?

A. Sir?

Q. And you continued to be a deputy since January?

A. Up until the incident of Martindale Road.

Q. And you have ceased to be a deputy?

A. I have ceased to be a deputy.

MR. LAUTER: That is all.

Redirect Examination

Q. (By Mr. Day) Crystal Springs is a little town up the canal in Massillon?

A. Yes, sir.

MR. DAY: That is all.

(Witness excused.)

CHARLES D. PAULMAN

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Day) Will you state your name?

A. Charles D. Paulman.

Q. How old are you, Mr. Paulman?

A. I am 46.

Q. Where do you work?

A. Down at the Republic Steel.

Q. How long have you worked at the Republic Steel?

A. About 3 years and 5 months.

Q. What is your job?

A. Sub-station operator.

Q. On the 23rd of May, last, what if anything do you recall with relation to pickets?

A. On the 31st of May between 9 and 10 o'clock p. m. I got a call in the plant from the doctor that my wife is sick and I—

Q. Now, Mr. Paulman—(Discussion off the record). Don't tell about your wife—(Discussion off the record). Did you see any pickets that night?

A. I seen plenty of them.

Q. About what time did you come in contact with the pickets?

A. It was about 10 or 10:30.

Q. Whereabouts was that?

A. Well, on my way out of the plant I was in a taxicab and a police cruiser was following me to take me home, and then we reached Belden—Belden and Eighth—and the pickets jumped on the cab. One of them had a cue stick and another had a broom handle—

Q. Then what happened? Where did you go?

A. I stayed in the cab and the police got out of the cruiser. And I told them they were supposed to take me home, and take me home safe, and the police officer told me: "It won't be long; they won't hurt you." Then the picket took the cab down Eighth Street; on the corner of Carnahan Avenue, on the corner of Mahoning, and back into Belden and into Bandi's Hall.

Q. When you got to Bandi's Hall, what happened?

A. Well, they took me down the steps first, and I went into a big hall, and that guy on the desk wanted me to sign up with the C. I. O. and I refused. Another guy came in. He looked like a leader to me. He was dressed; and ordered the two pickets, they—

MR. LAUTER: I object to "it seemed like a leader." I move that it be stricken.

MR. DAY: That may go out.

TRIAL EXAMINER LINDSAY: Yes, it may go out.

Q. All right. What happened?

A. Well, right then they took me and called me different kinds of names. So I answered him back. So the pickets started to poke me with the clubs.

Q. And then what happened?

A. Well, we got into quite a little argument, and I got my share of it, and then they wanted me to sign up with the C. I. O.—

MR. LAUTER. I move that "got my share of it" be stricken.

MR. DAY: Yes, that may go out.

TRIAL EXAMINER LINDSAY: Yes, strike that out.

Q. What happened if anything to you? Don't tell about getting your share. What happened?

A. Well, it was prodding and poking in front with the—they all poked in front with the clubs.

Q. Whereabouts?

A. Right in the groin and on the legs.

Q. Then what happened?

A. Well, they wanted me to sign up and they told me to go down into the front hall. Then I wanted to sign up. They told me to go to the hall again and they wanted $4 of me and I didn't have it. I only had $2 in a small purse, and I threw it on the table but all I wanted is that I should get home safe. So he said he would leave it go with $1, and then they sent me down in the front hall. I don't know the guy's name, only when he gave me the receipts he gave me two receipts and a button. Then when they let me go out I got in a cab and went home.

Q. Did you go home?

A. Yes, I went home, I did.

Q. You said you signed a C. I. O. card. Did you ever go out to the picket line or anything like that?

A. No, sir.

MR. DAY: I think that is all.

Cross Examination

Q. (By Mr. Lauter) Mr. Paulman, you got prodded and poked?

A. Yes, sir.

Q. You weren't hurt, were you?

A. What is that?

Q. You weren't hurt, were you?

A. I got hurt plenty. I had black and blue marks on my body for six or seven weeks.

Q. Seven weeks?

A. Yes, sir, and I got witnesses for it, too.

Q. Witnesses for what?

A. That they see the black and blue marks on my body.

Q. They asked you for $4 and you only had $2?

A. Yes.

Q. And they gave you a dollar back?

A. Yes.

Q. Then what happened on May 31st?

A. May 31st, that night?

Q. What day of the week was that?

A. Monday.

Q. Monday?

A. Yes, sir, it was Monday.

Q. When did you first see the pickets?

A. Around 10 or 10:30 when I left the gate.

Q. What happened between 9 and 10 o'clock?

A. Between 9 and 10 o'clock?

Q. Yes, sir.

A. I was waiting for the cab and the police cruiser.

Q. Did the police cruiser come?

A. Yes, sir, the police cruiser came and the cab came and we went down Belden and Eighth.

Q. How many taxis came there?

A. One cab.

Q. Were you going out of the plant alone with a police cruiser?

A. The police cruiser was for seeing me home.

Q. You were going out of the plant alone and with nobody else?

A. I came out alone.

Q. How did it happen that you were leaving early?

A. I had a call from the doctor.

Q. Do you know what policemen were in the cruiser?

A. No, sir, but they ought to have that down in the record.

Q. Did you ever recognize seeing them before?

A. No, sir, I didn't.

Q. Have you seen them since?

A. No, sir, I didn't go to no—I didn't go to no meetings. I stayed home. I had a reason—

MR. LAUTER: I ask that the last remark of the witness be stricken.

TRIAL EXAMINER LINDSAY: Strike the last part out.

Q. Were they City policemen?

A. Sir?

Q. Were they City policemen?

A. City policemen.

Q. Regular policemen's uniforms?

A. Regular policemen's uniforms.

Q. Now, they started—the gate was in front or in back?

A. They opened the gate and went out to Belden.

Q. What happened then?

A. The pickets got on the cab. The police cruiser stopped. The policemen saw the pickets get on.

Q. The policemen saw the pickets get on; is that correct?

A. Yes, sir.

Q. Is that right?

A. Yes, sir.

Q. They didn't mind it?

A. They didn't mind it.

Q. Didn't pay no attention?

A. No, sir.

Q. You don't know who the policemen were?

A. No, sir.

Q. How long were you in the hall altogether; Bandi's Hall?

A. The exact time I don't know but probably an hour or hour and a quarter.

Q. What time did you get home that night?

A. A quarter after 12 sharp.

MR. LAUTER: That is all.

Redirect Examination

Q. (By Mr. Day) Were you working in the mill that night?

A. Yes, sir.

Q. And you say somebody called up about a doctor?

A. Yes, sir.

Q. Then you were led out to go home?

A. Yes, sir.

MR. DAY: That is all.

(Witness excused.)

TRIAL EXAMINER LINDSAY: We will take a short recess.

(Recess had.)

MICHAEL KRISTOFF

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Day) What is your name?

A. Michael Kristoff.

Q. Where do you live?

A. 1711 Ohio.

Q. Ohio?

A. Avenue, N. E.

Q. In Canton?

A. In Canton, yes, sir.

Q. What is your work?

A. I work in the South Division, sheet mill.

Q. In what capacity? What is your job?

A. Finisher.

Q. How long have you worked in the sheet mill?

A. Just about 30 years.

Q. Now, on the Saturday of June 19th last, about 10 o'clock, where were you?

A. I was in the restaurant and beer garden about 400 feet away from Bandi's Hall on the opposite side of the street.

Q. What happened?

A. Why, I was in there just about 10 or 15 minutes, and a woman by the name of Eva Neneth walked in. She walked in there and I was talking to the bartender there. I was talking to the bartender and looking at the baseball score, and she asked me how I stood, and I said: "What about it?" And she said: "About the C. I. O." And I said: "What about the C. I. O.?" She says: "Are you signed up?" And I says: "No, not yet." I said: "I haven't made my mind up yet." And she says: "Why not?" And I said: "Well, I don't think it is any of your business." I believe I said that and then she said: "Come outside." They wanted to talk to me. There was an awful mob outside already and she says: "I will come out when I am good and ready." Then she walked out, and in about 10 or 15 minutes she came back in there with three men. I didn't notice their coming. I wasn't paying no attention.

Q. Did you—

MR. LAUTER: I move to strike all the testimony with respect to the conversation as being incompetent, irrelevant and immaterial and outside of the scope of the issues, and not connected in any way with the parties in this action.

MR. DAY: Will your Honor refrain from passing on that until he sees that I can connect that up?

TRIAL EXAMINER LINDSAY: Yes, I will take the ruling under advisement.

Q. Now you say that after you had this conversation with this lady, what next happened?

A. She asked me to come outside. They wanted to talk to me outside.

Q. Now, did you go outside?

A. No, sir.

Q. Then tell us what happened.

A. She went outside and she came back in there with three men. I didn't notice the whole thing.

Q. Yes.

A. I didn't notice the whole thing about her coming back in there; I wasn't paying no attention to the whole thing because—

Q. Now, did you recognize any of those men?

A. No, I couldn't recognize enough of them. I do know one of them that got hold of me—when she asked me back in there, one fellow tapped me on the shoulder. I didn't know the fellow. I could recognize him if I would see him. He asked me if I signed up the C. I. O. and I told him the same thing that I told the lady that I didn't make my mind up yet.

Q. Yes. What happened?

A. I was talking to him.

Q. Before you tell that, I want to see if I understand the situation.

(Discussion off the record.)

(The witness steps off the witness stand at the request of the Trial Examiner.)

MR. DAY: Come on back.

(The witness resumed the stand.)

MR. DAY: I will withdraw this witness at this time. I would like to make a further investigation.

MR. LAUTER: Then at this time I renew my motion to strike all the testimony of this witness.

TRIAL EXAMINER LINDSAY: The motion is granted; it may be stricken.

MR. DAY: All right.

WALTER KNOTTS

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Day) What is your name, please?

A. Walter Knotts.

Q. Where do you live?

A. 1526, 3rd Street, S. E.

Q. What is your business?

A. Three high operator at Republic Steel.

Q. What kind of an operator?

A. Three high, roughing mill operator.

Q. How long have you worked for Republic, or one of its predecessor companies?

A. About 15 years.

Q. Where were you on the morning of June 6th about 2 o'clock or 2:15?

A. Well, we met at the Catholic church on the corner of Mahoning Road and Superior N. E.

Q. Who met?

A. The crowd that it had been passed along to me, there if they wanted to go into the plant to go to work.

Q. When had you quit work?

A. At 12 o'clock, about 12 o'clock May 25th, 12 p. m.

Q. When the strike was called?

A. Yes, I was working that turn.

Q. Now, what happened when you had that meeting there?

A. Well, we met there and they said when it was ready they would let us know and we were to go into the mill. And at about 12 o'clock or a little after they said everything was o. k. and we proceeded down Superior, south on Superior to about midway between 13th and 14th, when we noticed quite a gathering of men at the end of Superior which is a dead end street, at 13th, and which we thought to be pickets and we turned to an alley up Edwards—turned west through an alley to Edwards Street and then went south on Edwards to 13th where we made this break to go—to enter the mill, and in crossing the street they started to shoot from our left.

Q. You heard some shooting?

A. Yes, sir.

Q. About how many shots?

A. Well—

MR. LAUTER: I want to move to strike the testimony "we saw some pickets".

TRIAL EXAMINER LINDSAY: Yes, that is stricken out from the record.

MR. LAUTER: "We thought they would be pickets."

MR. DAY: But he heard the shooting is in, as I understand it, is that right?

MR. LAUTER: I want to move to strike the testimony in regard to shooting on the ground it is not identified who did the shooting, and not connected with the issues.

TRIAL EXAMINER LINDSAY: Yes, that is stricken unless you show—

MR. DAY: Note an exception, please.

Q. (By Mr. Day) Well, then afterwards did you meet anybody?

A. Yes, sir.

Q. See anybody?

A. Yes, sir.

Q. What happened?

A. Well, when I got about ten feet or more from the sidewalk I tripped and fell over a cable that was stretched around the fire plug so that the cars that was parked at the back of the factory there would not park too close to this fire plug, I tripped and fell over.

MR. LAUTER: Just one second. I move the testimony of the witness with respect to the purpose for which the cable was thrown across the street be stricken from the record.

TRIAL EXAMINER LINDSAY: Yes, that is stricken.

Q. Then what did you see?

A. Before I could get to my feet, there was three men in front of me.

Q. Yes.

A. One of them gripped me by the arm and twisted it until it hurt me for a week or so afterwards, saying, "Well, you go along to headquarters and sign a card, whether you want to or not."

Q. And then what happened?

A. Well, then the police cruiser came down, and it was turning off Mahoning Road onto 13th Street and frightened these men that they went back in the field.

MR. LAUTER: Excuse me. I move that the witness' testimony with respect to the fact that these men were frightened be stricken from the record.

TRIAL EXAMINER LINDSAY: Yes, that is stricken. Mr. Witness, tell what you saw and what you did, and let the rest of it out of your testimony.

A. Well, then I went—after they left me go, I went across the street to some colored people there, they had a house and I asked them if I could sit on their house until the excitement died down, and went home; about 3:30 I started for home.

Q. Now, these men that accosted you, or men that met with you, were they carrying anything?

A. No, not that I noticed.

MR. DAY: I think that is all.

Cross Examination

Q. (By Mr. Lauter) Can you identify any of these men?

A. No.

Q. Do you know whether they were C. I. O. members or not?

A. I don't know, only from the remark they made.

Q. What?

A. Only from the remark they made.

Q. Now, you say you went to Mahoning and Superior on June 6th?

A. Yes, we first was to meet back of the workhouse, then we proceeded to—

Q. Back of the Workhouse? Where is that?

A. That is on the corner of Maple right at the Stark Electric Streetcar Line.

Q. Who told you to meet there?

A. Well, the word was passed along the day before that we were to meet there.

Q. Who passed the word along to you?

A. Well, some man that works in the mill passed it to me.

Q. Who works in the mill, that passed it to you? Tell me his name.

A. I can't tell you his name. I met him uptown.

Q. What is that?

A. I can't tell you his name. He asked me if I wanted to return.

Q. Why not?

A. I don't know his name.

Q. Do you know what position he has in the mill?

A. No, I don't.

Q. Where did he tell you that?

A. He told me uptown, I met him uptown on Friday afternoon.

Q. How do you know he is a mill worker?

A. Well, I have seen him out in the mill.

Q. What kind of work did you see him do there?

A. I didn't see him do any work, just going in the plant, going to work.

Q. Is he a foreman?

A. No.

Q. How do you know he is not a foreman?

A. Well, I know he is not a foreman, he doesn't dress like a foreman.

Q. Is this the Canton plant, with respect to which you have been giving testimony?

A. Yes.

Q. Or Massillon?

A. It is the Canton plant.

Q. Now, the crowd of men out there at Mahoning and Superior, did you have any conversation with any of them out there?

A. Yes, we talked some while we were waiting.

Q. Did you find out how the other men happened to be there?

A. Just as the word was passed along, I wasn't acquainted with so many of them, five or six probably in the crowd.

Q. How did the men that you spoke to know that you wanted to go back to work?

A. Well, when we met uptown we talked that over.

Q. Where did you meet uptown?

A. Well, just chance meeting uptown, when we would go up town.

Q. When?

A. Any time.

Q. When did you particularly meet this man of whom you speak?

A. Why, in front—about the front of the George E. Harter Bank.

Q. Were there other men in front of the Bank?

A. Not when he talked to me.

MR. LAUTER: I move to strike out the testimony of this witness on the ground incompetent, irrelevant and immaterial, in no way connected with the issues in this case, not connected in any way with the parties to this action. The witness has failed to identify any of the persons with whom he had conversations at the time he said that he was going to be taken to headquarters.

TRIAL EXAMINER LINDSAY: Yes, I will sustain that motion.

MR. DAY: Note an exception. That is all.

(Witness excused.)

JOHN COOK

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Day) What is your name?

A. John Cook.

Q. Where do you live?

A. 1417 Willett S. E.

Q. In Canton?

A. Yes.

Q. Where do you work?

A. Republic Steel.

Q. What?

A. Republic Steel.

Q. How long have you worked at Republic Steel?

A. Off and on the last 14 or 15 years.

Q. What has your job been?

A. Catcher.

Q. What, if anything, happened on that June ninth about 10:30 or 11 o'clock?

A. Last June ninth my brother and I were standing on the corner of Blicker and Cunningham, was around 11th, but after I learned the street was Blicker and Cunningham, all of a sudden some fellow run up and hit me aside of the head with a rubber hose and I have got a scar there yet.

Q. Now, after that what, if anything, did you see?

A. Well, at that time I looked around and there was about 40 or 50 men coming running up the road.

Q. What, if anything, did you observe about those men?

A. Well, they all had clubs. Some of them had clubs, different things.

Q. Anything else?

A. Well, after they hit me, why—

Q. Well, do you know whether or not they were C. I. O. men?

A. Yes.

Q. What did you see about that?

A. Well, a couple of them had buttons on.

Q. All right, now, go ahead.

A. They ran up and hit me aside of the head, and so at that time one grabbed me on the arm and said, "We will take him to the hall," and they carried me on down to the hall. And this John Sisseia, I know him well, and so he continued to hit me in the jaw, so—so he asks me where was I going. I told him I was out here attending to a little business, and he tried to make me say that I was going back in the mill, and I wouldn't say it. And he says, "Oh, you are a damn liar."

So they carried me to the hall, gets me into the hall and talking, and every time he would ask me a question and I would go to answer he would hit me in the jaw. So he hit me on the jaw and he asks me why I don't join the C. I. O.

I told him I hadn't given it a thought and he said, "Don't you know this means to you as much good as it will be anyone else?" I say, "Maybe it do," so he kept on hitting me, some fellow, he told him, he says, "Hey, didn't I tell you not to hit anybody else in here" And it looked like that meant for him to hit me more.

MR. LAUTER: Now, one second. I move the last remark of the witness be stricken.

TRIAL EXAMINER LINDSAY: Yes. The last remark is stricken.

Q. (By Mr. Day) All right, go ahead.

A. And it looked like it was a signal for him to hit me more.

MR. LAUTER: I move that be stricken out.

TRIAL EXAMINER LINDSAY: I just said it was stricken.

A. Oh. Well, I just stayed there about five or ten minutes and they decided, some fellow says, "Well," he says, "we'll take these boys home."

MR. LAUTER: Just one second. I object to what they decided.

Q. What did they say?

MR. DAY: What they decided may go out.

Q. What did they say?

A. Well, he told some fellow to get a machine so he says, "All right, boys, get up." We got up and go out, a machine was up there and they put us in the machine, and instead of taking us down Mahoning they turned up Mahoning, well, they carried us on up, was a good little piece, just pull up there, there is that foundry, so this guy continued to beat me, so they started out—after they stop-

ped up there a good little while, they started out a little while and went on up there by the foundry, was going around about 10 or 15 miles an hour and I jumped out of the car and ran, see?

And then John Sisseia and another fellow, he ran after me and so when I looked up and seen it was but those two, well, I turned around and tried to fight them, so in the scramble, so one of them knocked me down and I gets up and this other fellow knocked me down and then John Sisseia, when I fell the second time he kicked me in the mouth and kicked out these two teeth (indicating).

And so at that time some fellow he come in a Chevie on the sidewalk and says, "Hey," he says, "let that guy alone, because he is hollering too loud." So they jumped up and ran, got in the car, so at that time I gets out and I goes and sits on some fellow's porch and he came out and he says, "Hey, fellow," he says, "you have got to get away from here, because those guys will come in and take me out," and so I stood there and I goes on across the street and goes up on a back porch up there, and at the same time I seen fellows flashing lights up around there, I guess they were looking for me, so I stood there —

MR. LAUTER: I object to what the witness guesses.

TRIAL EXAMINER LINDSAY: Yes, that goes out of the record.

Q. (By Mr. Day) Well, did you get home?

A. Well, I stays up there about an hour or so, so I come on down, I comes right back across the street where they had been and goes down the alley, ran up on the garage down there and there was one fellow sitting in the front seat, one was in the back, I knocks on the window and the fellow in the back—

Q. I don't want to ask you about that.

MR. DAY: I think that is all.

Cross Examination

Q. (By Mr. Lauter) When did you leave the plant, Cook?

A. May 25th.

Q. When did you go back to work?

A. June 30th.

Q. What is that?

A. June 30th.

Q. Who is your foreman?

A. Bennie Second.

Q. Did he speak to you on June 29th?

A. No, he did not.

Q. How did you happen to go back on June 30th?

A. How?

Q. How did you happen to go back on June 30th?

A. Well, I learned it around about 7 or 8 o'clock that night.

Q. What did you learn?

A. Well, one of my fellow workmen told me—

Q. What is his name?

A. Well, his name is—I don't know his name.

Q. Where did he tell you?

A. Well, he came down to my house and told me.

Q. How long did he stay there?

A. Well, he didn't stay very long, just knocked and told me that he heard we were going back to work next morning.

Q. Did he tell you who told him?

A. He did not.

Q. Are you sure your foreman didn't have any conversation with you before you went back?

A. Right.

Q. He did not?

A. He did not.

Q. Could you identify any of the C. I. O. men with clubs?

A. Yes.

Q. What were their names?

A. One of them was named John Sisseia, another was named James something, I forget his last name.

Q. How did you know that John Sisseia was a C. I. O. man?

A. Well, I know it by having talked with him when he used to work in the mill.

Q. What did he say to you?

A. Well, he just asked me—well, if I wanted to join it.

Q. Did he tell you that he was a C. I. O. member?

A. Well, in facts he did.

Q. What is that?

A. He did.

Q. He did? When did he tell you that he was a C. I. O. member?

A. Oh, I reckon that it is—after, oh, about a year ago, maybe.

Q. Are you sure that it was a year ago?

A. Somewhere around in the neighborhood.

Q. Well, was it six months or twelve months?

A. Well, I would say that it was just about the time that C. I. O. gets coming into existence.

Q. When did the C. I. O. come into existence?

A. Well, I don't know. When I heard it, it was about a year ago.

Q. And that was at the time you had a conversation with him?

A. It was.

Q. He told you at that time that he was a member of the C. I. O.? Do you think that you could give the month?

A. I cannot.

Q. Now, about a year ago would be September,

wouldn't it?

A. Well, I wouldn't say positive.

Q. Well, would you say positive October or November?

A. Well, it was somewhere in the neighborhood, I know that it was last winter when I worked over there in the galvanized, when he was working over there.

Q. What did he say to you when he told you that he was a C. I. O. man?

A. Well, he only asked me why I didn't join—I told him—asked him did he join? He says, "Yes, I am one already."

Q. He was the fellow hit you in the jaw?

A. Yes, sir.

Q. Now, there were a couple other men you say who had clubs, also had buttons?

A. Yes.

Q. Did any of them hit you?

A. Well, now, no more than this James—I don't know his last name, I know him, I have been knowing him for 15 years or more.

Q. Was he wearing a button?

A. No. I didn't see any button on him.

Q. Did you see a button on anybody else who hit you who was carrying clubs?

A. No, I didn't, all the buttons I seen was at the hall when they carried me down in.

Q. The only man you have identified is John Sisseia?

A. And "Big John", I don't know his last name, I always call him "Big John" in the mill.

Q. John Sisseia?

A. No, John something, I don't know his last name.

Q. Where did you see Big John?

A. Big John, he was the fellow tried to get them to leave me go.

Q. Where did you see him?
A. I seen him on the corner of Blicker and Mahoning.
Q. All this happened when?
A. Around about July 9th.
Q. July or June?
A. June 9th.
Q. How many men were there out there where you were?
A. What do you mean?
Q. When you were hit with the hose?
A. Well, I guess about 30 or 40 of them.
Q. Were you with your brother?
A. I was.
Q. What happened to your brother?
A. About the same thing, I guess.
Q. Are you guessing or are you telling us the truth?
A. Well, about the same thing.
Q. Did he lose two teeth, too?
A. No, my brother can tell that better than I can.
Q. Do you know what happened to him?
A. I do not.
Q. About what time of the night were you out there?
A. Around about 10 or 11 o'clock.

MR. LAUTER: That's all.

MR. DAY: That's all.

TRIAL EXAMINER LINDSAY: We are going to take our noon period right now.

(Thereupon, at 12 o'clock m. an adjournment was had to 1:15 o'clock p. m.)

AFTERNOON SESSION

(Whereupon, at 1:15 o'clock p. m., the hearing was resumed and the following proceedings were had):

TRIAL EXAMINER LINDSAY: The hearing will come to order.

JOHN C. MORGAN

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Day) What is your name?
A. John C. Morgan.
Q. Where do you live?
A. In Massillon. 673 East Third Street, S. E.
Q. And you live in Massillon?
A. Yes, sir.
Q. What is your age?
A. 45.
Q. Are you married or single?
A. Single.
Q. Do you work for the Republic Steel Corporation?
A. Yes, sir.
Q. In what department?
A. Transportation.
Q. What?
A. Transportation.
Q. How long have you worked there?
A. 15 years.
Q. Did you ever work for the old Central Steel?
A. Yes, sir.
Q. Were you working in the Republic Steel when the strike was called by the C. I. O. on May 25th, last?
A. I was out; I wasn't working.
Q. How long had you been out?
A. I was supposed to go to work 11 o'clock that night.
Q. But you had been working up to that time?
A. Yes, sir.

Q. When did you go back to work?

A. Well, I wanted to go back to work; yes.

Q. When did you go back to work?

A. How is that?

Q. When did you go back to work?

A. I went back—I don't know just when it was. After the strike was settled.

Q. Did you sign a Back-to-Work petition, Mr. Morgan?

MR. LAUTER: I beg your pardon. Will you read that answer?

(Last answer read.)

A. Yes, sir.

Q. Did you sign a Back-to-Work petition?

A. Yes, sir.

Q. At Massillon?

A. Yes, sir.

Q. Where did you sign that?

A. Chamber of Commerce.

Q. About when was that?

A. Well, I can't just say what day.

Q. Fix it as near as you can.

A. Well, that has got me; I can't think of it.

Q. Did you sign it when the other boys signed it at the Chamber of Commerce Hall in Massillon?

MR. LAUTER: I object to the question.

TRIAL EXAMINER LINDSAY: Yes. He signed it. It doesn't make any difference when he signed it.

MR. DAY: Not if there is any question about the petition.

(Discussion off the record.)

Q. Mr. Morgan, I will ask you whether or not you signed that petition of your own free will?

MR. LAUTER: I object to the form of the question as calling for a conclusion.

MR. DAY: I would like to be heard on that.

TRIAL EXAMINER LINDSAY: That is not necessary. Objection overruled. Note an exception.

MR. LAUTER: Note an exception.

Q. State whether or not when you signed that petition you were influenced to any extent by the Republic Steel Corporation or any of its officers or agents.

MR. LAUTER: I object to the form of the question.

MR. DAY: The same proposition.

TRIAL EXAMINER LINDSAY: I will let it stand. Objection overruled. Note an exception.

MR. LAUTER: Exception.

Q. What is your answer?

A. None of them.

Q. You quit work at the time the strike was called? That was on the 25th of May, is that right?

A. Yes, sir, I got down that morning at 7 o'clock.

Q. State whether or not you wished to continue working at that time.

A. I did.

Q. Did you wish to go on strike then?

A. No, sir.

Q. Are you a member of the Independent Association of Republic Employees, a new Union there?

A. Yes, sir.

Q. Did you sign an application card for membership in that Union?

A. I did.

MR. LAUTER: I want to object to the line of this questioning as outside of the scope of this case as incompetent, irrelevant and immaterial.

TRIAL EXAMINER LINDSAY: Yes. I don't see how—

MR. DAY: I want to be heard on that.

TRIAL EXAMINER LINDSAY: Just come up here.

MR. DAY: Yes.

(Discussion off the record.)

TRIAL EXAMINER LINDSAY: You may step down.

(Witness withdrawn.)

MR. DAY: I will reserve the right to recall this witness.

TRIAL EXAMINER LINDSAY: You do not have to do that.

MR. DAY: That is all we want for this afternoon.

TRIAL EXAMINER LINDSAY: On those matters, Mr. Day, I never take advantage of whether it is in or out of the record, it makes no difference to me.

MR. LAUTER: I understand I will have the right to cross examine, should Mr. Day not wish to question him further.

MR. DAY: Oh, yes, I will give you the same privilege.

NICK LINCKENHELY

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Day) Will you state your name, please?
A. Nick Linckenhely.
Q. Where do you live?
A. Massillon.
Q. What is your age?
A. 49.
Q. Are you a married man?
A. Yes, sir.
Q. Where do you work?
A. Republic Steel Corporation.

Q. What plant?
A. Massillon plant.
Q. The main plant there?
A. Yes, sir.
Q. In what division?
A. Machine shop.
Q. How long have you worked there?
A. About 15 years.
Q. And then you worked for the old Central Steel?
A. Yes, sir.
Q. Central Alloy?
A. Central Alloy.
Q. And then Republic?
A. Yes, sir.
Q. What are your duties as a machinist?
A. I operate a machine there. I do any kind of a machine work the foreman or assistant foreman tells me to do.
Q. Do you have any men working under you?
A. No, sir.
Q. To whom do you report directly?
A. To the foreman or the assistant foreman.
Q. Are you familiar, Mr. Linckenhely, with the Employees Representative Plan at the Massillon plant?
A. Yes, sir.
Q. When was that Plan started, if you know?
A. As far as I know, it was started in Massillon.
Q. When?
A. In June, 1933.
Q. Were you an officer of the first organization under that Plan?
A. No, sir, I was not.
Q. Well, what office did you ever hold under the Employees Representative Plan?
A. Outside of being chairman of the committees, and the fourth year I belonged to it, I was chairman of it.

Q. Well, were you elected as a representative?

A. Yes, sir.

Q. I said "officer", I mean you were a representative?

A. I was a representative.

Q. Of the employees?

A. Of the employees, yes, sir.

Q. Under the Plan?

A. Yes, sir.

Q. Starting when?

A. 1933, June.

Q. And also representative of what department?

A. Of the maintenance department.

Q. Now, how long have you been an employees' representative?

A. For four years.

Q. That would be June, 1933?

A. June, 1933, up to some time around in April when they—well, up to the time they were out on strike.

Q. That would be April, 1937?

A. April, 1937. That is—

Q. Then you were in from June, 1933, for a year. For one year?

A. Yes, sir.

Q. Then you were in 1934 and 1935?

A. Yes, sir.

Q. And the next year was 1935 and 1936?

A. Yes, sir.

Q. Then you stayed until some time until last spring?

A. Yes, sir.

Q. Now, did you vote for an employees' representative in June, 1933?

A. Yes, sir.

Q. Did you vote in 1934?

A. Yes, sir.

Q. 1935?

A. Yes, sir.

Q. 1936?

A. Yes, sir.

Q. Following the election in June, 1933, when did the elected representatives hold their first meeting?

A. The following Monday.

Q. What happened or transpired at this meeting?

A. We elected our officers and formed our Committees.

Q. How many representatives were there that got together at that meeting?

A. I didn't get just the exact number but I believe it was 19.

Q. In the Massillon plant?

A. The Massillon plant.

Q. Is that just the big plant there?

A. Yes, sir.

Q. That does not include Union Drawn?

A. No, sir.

Q. Some of the representatives came from different departments?

A. From all departments; each department had their own representative.

Q. And the number of representatives was determined by what method?

A. By approximately 200. Each representative represented approximately 200 men.

Q. Were you ever an officer of the general body?

A. From 1936 to the end.

Q. What officer were you?

A. Chairman.

Q. 1936—was that about last June, 1936, to the end?

A. It was last June, a year ago.

Q. That is June, 1936?

A. Yes, sir.

Q. You were the Chairman?

A. Yes, sir.

Q. Were you a member of any of the standing committees of the plant?

A. I was a member of the No. 2 Committee for three years until I was called—last year I was elected Chairman.

Q. What were the duties of that Committee?

A. In regards to wage and employment and working conditions.

Q. Now, I think I have asked you about standing committees. What was the meaning of a standing committee in your plan?

A. That was the committee composed of five men. There were four committees of it.

Q. Now, were the members of these committees—where did they come from?

A. Came from any departments.

Q. What I mean, and what I am getting at, were they members?

A. They were members.

Q. All of them?

A. All of them.

Q. How many in each committee?

A. Five.

Q. How many standing committees were there?

A. Four.

Q. How were they designated?

A. Well, No. 1 took care of rules, wages and means. No. 2 took care of wage, employment and working conditions. No. 3 took care of welfare and health and safety. No. 4 was for the appeal and advisory committee.

Q. Now, were the officers and members of the standing committees and so forth the same for the first year as they were for the next year?

A. The same ones.

Q. Now, did the planning committee have any officers?

A. Yes.

Q. Chairman and so forth?

A. They had a chairman and a recording secretary.

Q. How were the officers selected?

A. The Chairman generally picked and appointed the No. 2 Committee, and the No. 2 Committee selected the other three committees, and each committee appointed their own Chairman and Secretary.

Q. Did you have anything to do with the nominating or the nomination or election of the members representatives in 1934 and 1935 and 1936?

A. Yes, sir.

Q. Were you on any Board; any Election Board?

A. I was on the Election Board.

Q. Now, how were the elections and nominations conducted?

A. We put up notices to that effect a few days before the election, notifying the men on all the bulletin boards, notifying them that we was going to have an election held. We put up ballots where it was handy for the men to vote. That had all the names of those men who were eligible to be elected. The men that received the highest vote—there was three for each department, for each man that was to be elected.

Q. You mean if there were three men nominated and each one elected?

A. The three with the highest vote on the nomination was put up for election.

Q. How many were elected?

A. One out of three. That is one out of—approximately out of 200 employees.

Q. When you came to nominating the men, did each department vote only for the man in its own department or did they vote for the other department?

A. They all voted for the men in their own departments.

Q. Who conducted the election?

A. The representatives.

Q. Just tell us how that was done.

A. What do you mean? How the election was done?

Q. Yes. You have told us about the ballots and the booths. Who furnished the election booth?

A. The Company furnished those and the ballots for the nomination of the representatives and the help that the representatives hired—they generally got two men out of their own department to help them on their own election. Those men counted the votes.

Q. Where were those nominations and elections held?

A. All through the plant.

Q. On Company property?

A. On Company property.

Q. When was the voting? When did that take place?

A. The voting took place starting on Tuesday and election generally took place on Friday.

Q. Now, just what do you mean by that? When did the men drop the votes in the ballot boxes?

A. In the morning or at noon—just as the men came into work.

Q. How many days did that take?

A. It generally took two days for the nomination; two for the election.

Q. How soon after the nominations were over were the elections held?

A. About two or three days afterwards, as soon as we were ready to start with the election.

Q. Now, state whether or not anyone acting in a supervisory capacity for Republic had anything to do with the selection of the men who assisted in the nominations and elections?

A. Never.

Q. Did anyone acting in a supervisory capacity for the corporation assist the Employees Representatives in the holding of nominations or elections?

A. No, sir.

Q. Who had charge of the nominations and elections?

A. The representatives.

Q. Any particular committee?

A. No. 1 committee.

Q. That is, their rules, ways and means committee?

A. Rules, ways and means.

Q. And who was chairman of that Committee in June, 1936?

A. Harold Steiner.

Q. What is his job?

A. He is a piler in the billet shed.

Q. Did he do any work in a supervisory capacity?

A. No, sir.

Q. State whether or not, within your knowledge, anyone connected with the corporation in a supervisory capacity interfered or sought to dominate the nominations or elections under this plan?

MR. LAUTER: Object to the form of the question.

A. Not that I know of.

MR. LAUTER: Just one second.

MR. DAY: I should like to be heard.

TRIAL EXAMINER LINDSAY: Objection is overruled. Let the record show an exception.

MR. LAUTER: Exception.

Q. (By Mr. Day) You did answer it, didn't you?

A. I said "Not that I know of."

Q. Who furnished the stationery that was used for the nominations and elections?

A. The company.

Q. And how did the company furnish the necessary stationery?

A. We notified them what we needed, and about how many we needed and they printed them for us and gave them to us.

Q. Who gave them to you?

A. The manager representative.

Q. And what is his name?

A. Mr. Lohneis.

Q. And to what committee did he give the stationery, if you know?

A. To No. 1.

Q. Were the men that conducted the nominations and elections paid for the time they spent doing that?

A. Yes. They received the time that they were losing at work.

Q. Now, explain that a little more fully. What do you mean by that?

A. Well, there would be time they lost during working hours, they received that in pay the same.

Q. Would that mean, supposing if he stayed at work and hadn't taken part in election, would make so many dollars; if he worked part of the time, and part of the time worked on the election, would he get more or less or what? Do you understand my question?

THE WITNESS: I didn't quite get that.

TRIAL EXAMINER LINDSAY: Read the question.

(The last question read by the Reporter.)

TRIAL EXAMINER LINDSAY: I think you better restate the question.

MR. DAY: I will restate the question.

Q. You say the men were paid for the time that they spent on elections, is that right?

A. Yes, sir.

Q. Well, supposing a man whose regular work was eight hours—

A. Yes, sir.

Q. On election days, he spent four hours at work and four hours on the election. Would he get more than he would have gotten if he had worked the eight hours?

A. No, he would get the same amount of pay of what he has been paid in the shop with the working hours.

Q. All right, now supposing a workingman would work eight hours and supposing he spent eight hours at work and two hours on the election; is he paid extra for that two hours?

A. Yes, sir, he would get paid for those two hours.

Q. At what rate, do you know?

A. At the same rate he got down at the shop.

Q. How many hours did some of these men work on the nominations and elections days, do you know?

A. Some worked eight, some worked twelve, some of them, No. 1 committee put in more time.

Q. Who counted the ballots after the polls were closed?

A. The representatives.

Q. And where were the ballots counted?

A. In the Industrial Relations Building.

Q. Of Republic?

A. Yes, sir.

Q. Where is the building?

A. Right across from the main office.

Q. What is that building used for?

A. Well, in the basement they got the hospital, and then they got the insurance office there and the hall is upstairs, where we generally used to meet.

Q. You mean that the representative groups met in that building?

A. Yes, sir.

Q. Well, who counted the ballots? Who were they? Not the names of the men, but what class of men counted the ballots?

A. Well, we all counted the ballots, outside of the

men. Now, for instance, I was running, say I was elected for maintenance department, I wasn't allowed to count those ballots. I had to help on other departments.

Q. Well, you say "we all counted the ballots". Whom do you mean by "we all"?

A. All the representatives and the help that they had.

Q. Was anybody present from the company?

A. No, sir.

Q. At the time of the counting of the ballots? I mean, any supervisory man or anything of that kind?

A. No, sir.

Q. After the ballots had been counted, did you notify the employees—

A. No. 1 committee.

Q. —that they had been elected?

A. Put notices up on the bulletin boards in regards to that.

Q. How many representatives were elected in 1936?

A. 21.

MR. DAY: Will you please mark this for identification Respondent's Exhibit No. 11?

(The document above referred to was marked Respondent's Exhibit No. 11 for identification.)

Q. Mr. Linckenhely, I hand you a paper that is marked for identification Respondent's Exhibit No. 11 and ask you to tell us what that is, please?

A. That is one of the nomination ballots.

TRIAL EXAMINER LINDSAY: Blank ballot.

MR. DAY: Blank ballot, yes. I would like to offer that in evidence in connection with the testimony of this witness.

MR. LAUTER: No objection.

TRIAL EXAMINER LINDSAY: Respondent's Exhibit No. 11 is received in evidence.

(The document previously marked Respondent's

Exhibit No. 11 was received in evidence.)

MR. DAY: I should like to read into the record a statement, here.

TRIAL EXAMINER LINDSAY: Well, it is there itself, isn't it?

MR. DAY: Yes, but if there is no objection I would like to read it into the record.

TRIAL EXAMINER LINDSAY: What do you mean, read it? It serves no purpose.

MR. DAY: We will read it anyway: "The voter, by using this ballot, approves the holding of Nominations and Elections as stated in the posted notice issued by the Employees' Committee under the Plan of Employee Representation at this Plant and expresses his desire that those elected shall represent him in collective bargaining and for the other purposes stated in the notice."

Q. (By Mr. Day) Now, is that the form of nominations ballot that was used in all of the elections?

A. No, there was another ballot for the election.

Q. Well, this is the kind that was used for all of the nominations, so far as you know?

A. Yes, sir.

MR. DAY: Now, it says here: "This ballot is issued to qualified voters to nominate candidates for Employees' Representatives. Each qualified voter is entitled to nominate twice the number of representatives to which his department or voting division is entitled."

Q. (By Mr. Day) Now, I think you have said that there were three places in nomination for each one that was elected, is that right?

A. Yes, sir.

Q. I will now hand you a paper marked for identification Respondent's Exhibit No. 12 and ask you what it is?

(The document above referred to was marked as

Respondent's Exhibit No. 12 for identification.)

Q. What is that, please?

A. That is one of the election ballots.

TRIAL EXAMINER LINDSAY: May I see that, Mr. Day?

MR. DAY: Yes, indeed.

Q. (By Mr. Day) I notice that has some names on it. But is that the form of the ballot that was used generally?

A. Yes.

Q. Can you recognize the names of these men?

TRIAL EXAMINER LINDSAY: Just a minute. then, Mr. Day.

(Discussion held off the record.)

Q. (By Mr. Day) Those are the nominees of what department if you can identify them by looking at them?

A. That is from the billet shed, is where it shows.

MR. LAUTER: Do I understand this document has been offered in evidence?

MR. DAY: Yes.

MR. LAUTER: I wish to state that I have no objection to the exhibit.

MR. DAY: Yes, sir.

TRIAL EXAMINER LINDSAY: No, you haven't offered it yet.

MR. DAY: Well, offer it now.

MR. LAUTER: No objection.

TRIAL EXAMINER LINDSAY: Respondent's Exhibit No. 12 is received in evidence.

(The document previously marked as Respondent's Exhibit No. 12 is received in evidence.)

MR. DAY: I would like to read into the record this notice of voters: "By using this ballot the voter approves the holding of nominations and elections as stated in the posted notice of this election issued by

the Employees Committee under the Plan of Employee Representation at this plant and expresses the desire to be represented for collective bargaining and the other purposes stated in the notice, by representatives elected under the plan."

Q. Was that the form of ballot that was used in the year 1936?

A. Yes, sir.

Q. Did you ever serve as a teller at any of the elections?

A. Yes, sir.

Q. State whether or not you served as a teller at the 1936 election.

A. Yes, sir, I did.

Q. In what way did you serve as a teller?

A. In what way?

Q. In what department, I mean.

A. The miscellaneous department.

Q. What is the miscellaneous department? What does that mean?

A. That is the main office and the different offices all through the plant.

Q. What did that include? Name some of them.

A. The office down in the mill, the stove room, the coke room, the sheet mill, and the main office.

Q. How did you conduct that particular election in 1936?

A. We had all the names of those that were eligible to vote and to be elected on the bulletin board, and the men would come and ask for ballots. We would give it to them and check them off as they voted. After they voted, why, they dropped the ballot in the ballot box.

Q. What happened to the ballot boxes then?

A. We had a lock on them.

Q. Who had the key on the lock?

A. The No. 1 Committee.

Q. State whether or not the election and nominations were held by secret ballot.

A. Yes, sir.

Q. After the votes had all been cast, how did you get at the ballots to count them?

A. We took the ballot box over to the Industrial Relations Building and turned it over to the Committee.

Q. That is the Ways and Means Committee?

A. That is the Ways and Means Committee; and in turn they appointed fellows to count the ballots.

Q. Was there any way for anyone except the tellers to tell who was elected?

A. No, sir.

Q. Continuing until after the entire count was made?

A. Yes.

Q. Now, you said a minute ago that the men were given a list of eligibles. Who gave that list? Who produced that list?

A. The Company did.

Q. And did you men do anything by way of checking that list or looking it over or anything?

A. Well, you took practically every man from different departments, that is true, whether the man is eligible or not. When they came to vote we checked them off.

Q. How long did a man have to work in the mill before he was eligible to vote or run for office?

A. Run for office one year.

Q. How long would you have to be employed by the Company before you would have a right to vote?

A. As soon as he received a pay.

Q. The first pay?

A. Yes, sir.

Q. You had a constitution and by-laws, or a constitution, at least?

A. Yes, sir, we had some.

Q. Were they in printed book form?

A. Yes, sir, a kind of blue cover.

MR. DAY: I think, Mr. Lauter, that all these constitutions you have offered in evidence yourself?

MR. LAUTER: That is right.

Q. Were they amended from time to time, if you know?

A. Yes, sir.

Q. You made reference to a notice of elections. Posted on all the bulletin boards. You said there was a notice of elections.

(Discussion had.)

MR. DAY: Will you mark this Respondent's Exhibit No. 13 for identification?

(Thereupon the document above referred to was marked Respondent's Exhibit No. 13 for identification.)

Q. I will hand you a paper which has been marked for identification as Respondent's Exhibit 13 and ask you if that is one of the notices of the kind of notice to which you referred in your testimony before?

A. Yes, sir, that is one.

Q. This relates to an election June 12th, 1936?

A. Yes, sir.

Q. Do you know whether or not that was the last election under this plan?

A. It was the last one.

Q. It was?

A. Yes, sir.

MR. DAY: I should like to offer this in evidence in connection with the testimony of this witness.

MR. LAUTER: No objection.

TRIAL EXAMINER LINDSAY: Respondent's Exhibit No. 13 may be received in evidence.

(Thereupon the document heretofore marked as Respondent's Exhibit No. 13 was received in evidence.)

Q. Do you know how many men voted for the employees' representatives in June, 1936?

MR. LAUTER: Objection, unless the witness has personal knowledge.

TRIAL EXAMINER LINDSAY: Read the question.

(The last question was read.)

A. 2800.

Q. Now—the vote—confine your answer to your personal knowledge on this subject. Do you know from your own personal knowledge?

A. 2800 and more, it was.

TRIAL EXAMINER LINDSAY: Just a minute. Objection overruled. That is, of your own knowledge, do you know?

Q. Do you know approximately how many men were employed at Massillon?

MR. LAUTER: May I have an exception?

TRIAL EXAMINER LINDSAY: Yes.

Q. (Continuing) At the Massillon plant exclusive of foremen and superintendents and those in a supervisory capacity in June, 1936, at the time this election was held?

A. About 3000.

Q. How many representatives were elected in June, 1936?

A. 21.

Q. At that election how did you figure the number of representatives to be elected?

A. About 1 from each 200.

Q. Can you tell us how complaints and grievances of the employees were handled by the employees' representatives under this plan? Now, just start a case that you may have. Suppose I am a member now that has a grievance. Now let us have the first thing that would happen.

A. Well, you would come to the representatives and put in your complaint?

Q. Now, what was the next thing?

A. In turn the representative would go to the foreman or the superintendent with that complaint.

Q. Now, tell us what was the next thing, if no settlement of his complaint after he consulted the foreman or the superintendent, was made?

A. Then he would fill out some blanks that we had there to put the complaints on. Give two of them to the superintendent, one he kept, that is, he kept himself, and one to the manager's representative.

Q. What do you mean by the manager's representatives?

A. He took care of those cases.

Q. That was Mr. George—

TRIAL EXAMINER LINDSAY: Just a minute, Mr. Day.

(Discussion had.)

Q. You say he took care of those cases. Tell us so far as you know how he did it? What did he do; this manager's representative?

A. This manager's representative kind of corresponded with us—between us and the Company. At different times he called the Committees together—the management and the superintendent together, and the representatives, and then any kind of grievance that we wanted to settle, he would get us together and have us meet.

Q. Now, you used the term that the manager's representative corresponded. What do you mean? He wrote letters or he just communicated?

A. We communicated through the telephone or sent word.

Q. Now, if it could not be settled with the superintendent, then what happened next?

A. Then the case would be taken to the regular committee—the standing committee.

Q. That is, committee of what?

A. Whatever complaint was belonged to. Whatever it belonged to.

Q. Now, was that a committee of employees that you are talking about?

A. A committee of representatives.

Q. And they are composed of what? Employees?

A. Of employees.

Q. Elected in the manner you have described?

A. Yes, sir.

Q. Now, if a complaint or a grievance was not settled then, what was the next thing that would happen?

A. The case was taken to a joint committee. It was composed of five Company representatives and five employees' representatives.

Q. Now, what were the five employees' representatives? Who served on the joint committee that was selected?

A. They were selected by the representatives. As I have said before, the Chairman generally selected a No. 2 Committee, and the No. 2 Committee appointed the four committees.

Q. Now then, if you had a meeting of the joint committee and still the grievance was not settled, what happened then?

A. It was taken to No. 4 joint committee.

Q. What is the No. 4 joint committee?

A. That is the appeals committee.

Q. Who composed that?

A. That was composed of a chairman and secretary and three other representatives. And five of the Company representatives.

Q. Now, if that Committee didn't settle or adjust that grievance, then what was the next thing that happened?

A. We took the case to the manager.

Q. What manager would that be?

A. Of the Massillon District.

Q. Now, if the manager of the Massillon District failed to adjust that grievance, then what next?

A. Then we had a chance to talk it out with the president of the Republic Steel Corporation.

Q. Now, if you got to the President of the Republic Steel Corporation through these various steps that you have told us about, and there the case was not settled, or the grievance was not settled satisfactorily, what else could be done?

A. We had a chance to put it to an arbitration board.

Q. Composed of whom?

A. Of three members.

Q. How were those members selected?

A. The Company would select one and the members would select another one and the joint ones would appoint one that was favorable to each side.

MR. DAY: Will you mark this Respondent's Exhibit No. 14 for identification?

(Thereupon the document above referred to was marked Respondent's Exhibit No. 14 for identification.)

MR. LAUTER: No objection.

Q. I will hand you a set of four papers which has been marked as Respondent's Exhibit No. 14 and ask you what they are.

A. Those are the forms that were used if they could not come to an agreement with the superintendent.

Q. I notice there are four papers on different colors. What are the different papers?

A. The two first ones would go to the superintendent, and the pink one or the third one would go to the manager's representative, and the blue one, we keep ourselves.

MR. DAY: I offer Respondent's Exhibit No. 14 in evidence.

MR. LAUTER: No objection.

TRIAL EXAMINER LINDSAY: Respondent's Exhibit No. 14 may be received in evidence.

(Thereupon the document heretofore marked as Respondent's Exhibit No. 14 was received in evidence.)

Q. Now, tell us how many cases your representatives handled under the Employees Representative Plan from June 3rd—

A. About 280 or 300.

Q. Continuing from June 3rd to April and May of 1937 until the Plan ceased to operate? About 300?

A. Yes, sir.

Q. Now, does that include—

TRIAL EXAMINER LINDSAY: Just a minute, the testimony was 280 to 300.

MR. DAY: That is what he said?

TRIAL EXAMINER LINDSAY: Yes.

(The record was read by the Reporter.)

Q. You said 280 to 300, is that right?

A. Yes.

Q. Does this include all of the cases handled by the representatives?

A. No, not including the cases that were settled with the foreman or superintendent individually.

Q. I understand that number does not include cases which were taken up and settled by the foreman or superintendent?

A. Yes, sir.

Q. Now, can you give us some idea of the number of cases that were settled by the foreman or superintendent before they got higher up as you have been telling us about?

A. I couldn't say about other departments, but I had something about 100 cases myself.

Q. In the company that you were on?

A. Maintenance department.

Q. Within your knowledge, did Republic Steel Cor-

poration, its officers and agents, in any way dominate or interfere with the administration of the Employees Representation Plan?

MR. LAUTER: I object to the form of the question.

A. No, sir.

MR. LAUTER: I move that the answer be stricken.

MR. DAY: I think that is a proper question.

MR. LAUTER: It calls for a conclusion.

MR. DAY: I have got a brief on it if the court wants to see it.

TRIAL EXAMINER LINDSAY: Well, I will overrule the objection. Let the record show an exception.

MR. LAUTER: Exception.

Q. (By Mr. Day) How long did the Employees' Representative Plan that you have described remain in effect at the Massillon Plant of Republic Steel?

A. Up until the time that the Supreme Court called the Wagner Labor Act constitutional.

Q. About when was that?

A. About the middle of April if I recall right.

Q. Of this year?

A. Yes, sir.

Q. Well, now, then, what happened within your knowledge to the Representative Plan after it was announced that the Supreme Court had upheld the constitutionality of the Wagner Act?

A. Manager called us together and notified us that all financial aid was going to be taken away from us in regards to the Representative Plan.

Q. Who told you that?

A. Mr. Meyers, manager.

Q. What is his first name?

A. Carl Meyers.

Q. And he is the district manager?

A. Yes, sir.

Q. Well, Mr. Meyers, you say was the district manager over what district?

A. Massillon district.

Q. Well, do you know whether or not he was also district manager in Canton?

A. I understand he is over Canton and Massillon.

Q. Do you know who was the manager before him?

A. Mr. Ed. Portz.

Q. Do you know whether or not he was sick?

A. Yes, sir.

Q. He has been sick for a long time?

A. Yes, sir, he has been sick for sometime.

Q. And Mr. Meyers has been acting district manager?

A. Yes, sir.

Q. Now, after that took place and you had that conference with Mr. Meyers or meeting and he said the company could not further furnish financial support to the plan, what next, within your knowledge, was done?

A. As soon as Mr. Carl Meyers left the hall, we got together and formed an organization which was called Employees Representatives' Association.

Q. Now, you say "we got together". Who got together?

A. The employees that was there at the time.

Q. The Employees Representatives?

A. Yes, sir.

Q. State whether or not there was anybody else present besides the employees representatives?

A. No, sir, there was not.

Q. Did anyone connected with the Republic Steel Corporation or its management, or acting in a supervisory capacity, have anything to do with the formation of this plan you are telling us about now?

A. No, sir, they did not.

MR. LAUTER: Object to the form of the question and move the answer be stricken out.

TRIAL EXAMINER LINDSAY: Well, I am going to overrule the objection. Let the record show an exception. But I think, Mr. Day, you should not ask those questions calling for a conclusion. Let him state who was there, and let the record show for itself.

MR. DAY: Well, I will do that, but I think it is fair to state that we have conducted some research along the line and found that it is proper to ask whether or not the man has been influenced or induced to do something by anybody else, and I will be glad if the Examiner wants to see our brief on it, to hand it to you.

TRIAL EXAMINER LINDSAY: Why, no, it is not necessary.

MR. DAY: All right. But I will try, of course, to stay within the ruling you just made, anyhow.

Q. (By Mr. Day) Now, you say this is the Employees Representative Association?

A. Yes, sir.

Q. And the original plan was called what?

A. Representative Plan?

Q. Employees Representative Plan, sometimes referred to as E. R. P.?

A. That is right.

Q. Your new organization or Employees Representative Association?

A. Yes, sir.

Q. State whether or not the corporation contributed any financial or other support to the Employees Representative Association?

A. No, sir.

Q. State whether or not the corporation or any of its officers or agents in a supervisory capacity dominated or

interfered with the formation of the Employees Representative Association?

MR. LAUTER: Object to the form of the question.

A. No, sir.

TRIAL EXAMINER LINDSAY: Read the question.

MR. LAUTER: I move the answer be stricken out.

TRIAL EXAMINER LINDSAY: Just a minute. Don't be so quick with your answers. When you hear an objection, keep still until there is a ruling on it.

(The last question read by the Reporter.)

TRIAL EXAMINER LINDSAY: Yes, I am going to sustain that objection this time.

MR. LAUTER: I move the answer be stricken from the record.

MR. DAY: Note an exception.

TRIAL EXAMINER LINDSAY: The answer is stricken.

MR. DAY: Note an exception.

TRIAL EXAMINER LINDSAY: Let the record show an exception. Off the record entirely.

(Discussion held off the record.)

Q. (By Mr. Day) I will ask you to state whether or not, within your knowledge—

TRIAL EXAMINER LINDSAY: Now, just a minute, Mr. Day.

(Discussion held off the record.)

MR. DAY: If I may address the Court, there is another remark I wish to make. There is a direct charge here that the corporation did dominate and interfere with this union. Now, this is the chairman of the union. He is a member of the union. I haven't asked him about his office. Perhaps he is not, I don't know. It seems to me that under the rule of evidence

that applies in cases of this kind I have a right to ask him the direct question, whether or not, to his knowledge—

TRIAL EXAMINER LINDSAY: Yes, if you frame your question right, you may have that privilege.

Q. (By Mr. Day) I will ask you to state whether or not, to your knowledge, the company in any way interfered with or dominated this new union—the formation of the Employees Representative Association.

MR. LAUTER: Object to the form of the question. I want to state the reason for my objection, that it calls for a conclusion. It is one of the questions in this case, ultimate facts to be proved and the question for the Board to decide is whether or not the particular Employees Representative Association has been dominated and controlled by Republic Steel Corporation. I object on the ground further that the question is incompetent, irrelevant, and immaterial.

TRIAL EXAMINER LINDSAY: Well, I am going to overrule the objection. Let the record show an exception.

MR. LAUTER: Exception.

TRIAL EXAMINER LINDSAY: And, of course, you have a perfect right to cross examine him to find out to what extent he does know, but I do dislike so many of those questions asking for a conclusion. I think to get at the facts of the thing you should bring out facts and not conclusions.

MR. DAY: Well, I understand he can answer that question?

TRIAL EXAMINER LINDSAY: Yes.

(The last question was read by the Reporter.)

A. No, sir.

MR. LAUTER: May I have an exception on my objection?

TRIAL EXAMINER LINDSAY: You already have it.

Q. (By Mr. Day) Who are the officers of the Employees Representative Association?

A. I was chairman of it, Mr. Nathan Brown was secretary.

Q. Did you have a treasurer?

A. Yes, sir.

Q. Who is he?

A. Mr. Paul Hoffman.

Q. How were these officers elected?

A. By the members in the hall.

Q. How long, if you know, did this new Employees Representative Association continue in effect?

A. Up until July 6th.

Q. Ninety-thirty [nineteen-thirty]—

A. 1937.

Q. This year?

A. Yes, sir.

Q. Then what happened?

A. We formed a new organization called the Independent Association of Republic Employees.

Q. The Independent Association of Republic Employees?

A. Yes, sir.

Q. Who started that new organization?

A. I did, myself.

Q. How did you start it?

A. I gathered men from different departments, from practically all of the departments of the mill. I put the proposition to them on account of so many complained about the representatives' name, I told them about organizing this new organization. They all agreed on it. We went to town that evening and had cards printed, we had a meeting on the following day and passed the cards around and told the men to go and sign them up.

MR. LAUTER: Will you fix the date of that?

A. Which they did.

Q. (By Mr. Day) Will you fix the date of that?

A. It was two days later, the 8th.

Q. Of July?

A. Of July.

Q. And how many men were present at that meeting?

A. About 16.

Q. Well who were those men?

A. Men from different departments, workingmen.

Q. How many meetings did this Independent Association of Republic Employees—how many meetings have they held since the first meeting?

A. About seven, I believe, to be sure.

Q. Where was that first meeting held?

A. Down at the plant.

Q. Whereabouts in the plant?

A. In the pipe shop?

Q. What time of day or night?

A. At noon hour.

Q. Now, you talked about six other meetings, making seven in all. Where were the other six meetings after that first meeting held?

A. At the lodge room.

Q. Lodge room of what? Where?

A. Of Independent Association of Republic Employees.

Q. Where is that?

A. Above the Arcade Market on West Main Street.

Q. Is that lodge room on company property, Republic property?

A. No, sir.

Q. Do you know who pays the rent for that room?

A. The Independent Association of Republic Employees.

Q. About when was the first meeting of that Association held?

A. July 8.

Q. 1937?

A. 1937.

Q. Within your knowledge, did Republic Steel Corporation have anything to do with the formation of the Independent Association of Republic Employees?

MR. LAUTER: Object to the form of the question.

A. No, sir.

MR. LAUTER: I move the answer be stricken out.

TRIAL EXAMINER LINDSAY: No, I will overrule the objection. Let the record show an exception.

MR. LAUTER: Exception.

Q. State whether or not, since the organization of the Independent Association of Republic Employees, the corporation has contributed financial support to it?

A. No, sir.

Q. What, if anything, has the corporation had to do with the administration of the association?

A. I didn't get that.

Q. State whether or not Republic has had anything to do with operating or running the Independent Association?

A. Haven't got nothing to do with it whatsoever.

Q. How often does the Independent Association of Republic Employees hold its meetings?

A. We hold our meetings every two weeks now.

Q. And who attends those meetings?

A. That is committees from all departments.

Q. And where are those meetings held?

A. At the Independent Association of Republic Employees Hall, local hall.

Q. State whether or not anybody attends those meet-

ings outside of the employees who belong to the association?

A. No, sir, nobody.

Q. Can you tell us approximately how many members there are in the Massillon plant of those Independent Association of Republic Employees?

A. About 2400, the last count we made.

Q. Can you tell us about how many would be eligible for membership, that is how many employees in the plant are eligible for membership?

A. Let's see, maybe about 2450, around there.

Q. Do you have an initiation fee for the association?

A. Yes, sir.

Q. What is it?

A. 50 cents.

Q. What are the monthly dues, if any?

A. 50 cents.

Q. Who were the officers of this Independent Association of Republic Employees?

A. William Perry is chairman.

Q. All right.

A. Nick Linckenhely is vice-chairman.

Q. Yes.

A. Tommy Burkett is treasurer. Gottrell, I don't know his first name, is financial secretary. George Kreinahl, he is recording secretary.

Q. How were these officers elected?

A. By the members present.

Q. Were they elected by the whole membership or by a committee?

A. Just by the committee.

Q. Well, now, what committee was that?

A. The committees that were elected by the employees.

Q. What was the character of those committees? What kind of committees were those?

A. We haven't appointed different committees yet. It is just a committee of the whole.

MR. LAUTER: If you please, Mr. Examiner, I do not recall whether or not this particular federation is named in the complaint. If it is not named in the complaint I want to object to any further inquiry along this line and move that all of the testimony with respect to this particular organization be stricken from the record.

TRIAL EXAMINER LINDSAY: Yes, it is stated in the complaint.

MR. DAY: You say that it is?

TRIAL EXAMINER LINDSAY: Not as far as Canton is concerned.

MR. DAY: I think it is named as far as Massillon is concerned. Let's see if it is.

TRIAL EXAMINER LINDSAY: Paragraph 26, I believe.

MR. DAY: In paragraph 29 it does not seem to be named. "Respondent by its officers and agents has dominated and interfered with the formation and administration of Employees Representative Plan and Employees Representative Association, labor organization at its plant in Massillon, State of Ohio, contributed financial and other support to such labor organizations." Now, the name of this is Independent Association of Republic Employees. If it may be understood that there is no reference made in the complaint or any charge made in the complaint with relation to that organization, then, of course, I take it that the objection is well interposed.

MR. LAUTER: I withdraw my objection to this line of inquiry.

(The last question read.)

Q. (By Mr. Day) How were the committee men selected?

A. Each department went to the lodge room and elected them there through secret ballots.

Q. How many departments are represented in this committee of 27?

A. I don't believe I made a check on that, as yet. Practically all departments outside of one that I know of.

TRIAL EXAMINER LINDSAY: Just a minute. If you don't know, why don't answer. If you haven't made a check on it, naturally you would not know, would you?

THE WITNESS: Well, I knew the one didn't belong to it yet.

MR. DAY: Are we going to recess soon, now?

TRIAL EXAMINER LINDSAY: Yes.

MR. DAY: Because I want to look this over and see whether I want to pursue this line.

TRIAL EXAMINER LINDSAY: We will have a short recess.

(Recess had.)

TRIAL EXAMINER LINDSAY: The hearing will come to order.

(Discussion off the record.)

MR. DAY: Now that is all upon this one subject. We would like to have the right to recall this witness.

TRIAL EXAMINER LINDSAY: That privilege will be granted.

Cross Examination

Q. (By Mr. Lauter) Mr. Linckenhely, what position did you have with the Republic Steel Corporation?

A. Machinist.

Q. What is your pay as a machinist?

A. 98 cents and a half an hour plus a little bonus once in a while.

Q. What did you get bonus for?

A. Working.

Q. What is that?

A. Working on the different jobs that we make quicker than the time requires we get a bonus.

Q. You were a representative since 1933?

A. Yes, sir.

Q. You received pay for attending meetings?

A. Yes, sir.

Q. When the meetings were not held during the working hours, you got additional pay, is that correct?

A. Yes, sir.

Q. Now, were there any dues paid into the Employees Representative Plan?

A. No, sir.

Q. All the expenses were paid by the Republic Steel Corporation for the operation of that Plan?

A. Yes, sir.

Q. That includes the furnishing of the ballot boxes, the printing of the baliots, the minutes, the notices, the meeting notices, and the grievance forms and all their places, is that correct?

A. Yes, sir.

Q. Now, you became a Chairman of the Employees Representative Plan in 1936, is that correct?

A. Yes, sir.

Q. You served until June, 1937? That was the period for which you were elected?

A. I served in that capacity up until the Supreme Court called the Wagner Act constitutional.

Q. Did you stop on the day the Court upheld the Act?

A. After Mr. Meyers called us and told us he was

going to take away the financial support from us we called the Plan out.

Q. Who called the Plan out?

A. We, ourselves.

Q. How did you do it?

A. As soon as Mr. Meyers left we formed a different organization.

Q. Did you take any steps to dissolve that old organization?

A. We didn't bother; we just went ahead.

Q. I am asking you if you took any steps to dissolve the old organization itself? The old Employees Representative Plan?

A. No.

Q. Now, after the Act was upheld, were any grievances handled by the various committees?

A. Yes, sir.

Q. They continued the handling of grievances, is that correct?

A. Yes, sir.

Q. Now, for how long a period of time did that continue; the handling of grievances?

A. Until May 25th.

Q. The day of the strike?

A. Yes, sir.

Q. So to that extent, at any rate, it wasn't dissolved, is that true?

A. We handled grievances the same as before.

Q. Now, were you paid for handling grievances?

A. Yes, sir.

Q. And you were paid for handling grievances up to May 25th, is that correct, of 1937?

A. May 25th?

Q. That is right. The day of the strike?

A. Yes, sir.

Q. And some grievances were handled after the Act was upheld?

A. Some grievances, yes.

Q. Now, you said: "We formed the Employees Representation Association?"

A. Yes, sir.

Q. And the "we" you referred to the employees' representatives under the old plan? The Employees Representation Plan?

A. Yes, sir.

Q. Now, will you state again who the officers were?

A. Linckenhely was the Chairman—

Q. That is yourself?

A. Yes, sir. Nathan Brown was the Secretary; and Paul Hoffman was the Treasurer.

Q. Now, you were Chairman under the old Plan; that is the E. R. P.?

A. Yes, sir.

Q. And you became President under the E. R. A.?

A. Yes, sir.

Q. Now, Brown was the Secretary?

A. Yes, sir.

Q. He became Secretary of the E. R. A.?

A. Yes, sir.

Q. Were there other officers under the E. R. P. who became officers under the E. R. A.?

A. No. There wasn't outside of Brown. We called him that day—that is, Hoffman, I mean.

Q. Hoffman?

A. Yes, sir.

Q. He was an old—

A. He was a representative.

Q. Of the E. R. P.?

A. Yes, sir.

Q. Where did they hold its initial meeting? Its first meeting?

A. The only meeting we had was at that time, was the same day that Mr. Meyers notified us about taking the financial aid away from us.

Q. You held that meeting in the same room?

A. We held that meeting in the same room.

Q. Who called the meeting when Mr. Brown said that he was going to take the financial aid away?

A. The management.

Q. The management called that meeting?

A. Yes, sir.

Q. When Mr. Meyers left you just remained in the same room and formed a new organization?

A. Yes, sir.

Q. Now, was that organization ever dissolved, if you know ?

A. Dissolved, yes, sir.

Q. What steps were taken to dissolve that organization?

A. We just changed the name, and the organization we forgot about it, and started a new organization.

Q. You mean whenever you thought there was something wrong with that organization you would forget about it?

A. No, there wasn't nothing wrong about it. The employees in general didn't like the first representation plan. They wanted to change it.

Q. Now, did you contact the employees?

A. We contacted a number of them.

Q. How many would you say?

A. Well, in my department they didn't seem to care but in other departments they didn't like it.

Q. Did you voice any opinion in your department at any meeting held under the E. R. A.?

A. Yes, sir.

Q. How many meetings were held under the E. R. A.?

A. There wasn't one held as far as I know of.

Q. And you didn't voice an opinion in your department at any meeting of the E. R. A., did you?

A. No, outside of the Committees that would get together.

Q. You heard my question, didn't you?

A. Yes, sir.

Q. Now, there was only one meeting, and that was after Mr. Meyers left the room, is that correct?

A. Yes, sir.

Q. And the next thing you knew you forgot about the E. R. A.?

A. Yes.

Q. When was that?

A. On the 6th of July.

Q. You forgot about the E. R. A.?

A. Yes, sir.

Q. Now, how many members were there in the E. R. A.?

A. 1100, approximately—1100.

Q. How did those people indicate that they wanted to be members?

A. They signed application cards.

Q. Where were those application cards circulated?

A. In the plant.

Q. By whom?

A. By committees and by representatives.

Q. Selected at this meeting which Meyers had left?

A. Yes, sir.

Q. Were they appointed or elected?

A. They got to serving them the same as under the Representation Plan.

Q. The same committees continued functioning under the E. R. A. that was in existence under the E. R. P.?

A. Yes, sir.

Q. They took around the cards under the E. R. A.?

A. Yes, sir.

Q. You got 1100 people to sign those cards? Employees of the plant?

A. Yes, sir.

Q. And you never held another meeting, and you forgot about the E. R. A.?

A. After the strike.

Q. I am asking you about the E. R. A. You testified there was only one meeting, is that correct?

A. One meeting, yes.

Q. After that you forgot about the E. R. A., that is your testimony, isn't it?

A. Well, we didn't forget about the E. R. A. The committees got together and talked about it but we never held regular meetings in the hall.

Q. You never held a meeting for those 1100 employees?

A. No, sir.

Q. Did they voice their ideas as to whether or not that organization should be forgotten about?

A. No.

Q. Did they ever take any formal steps to forget about it?

A. The members didn't. The committee representation talked with the members about it—that they would like to have that out.

Q. Did you hear my statement? I asked you whether they took any formal steps? Did they pass a resolution or hold a meeting at which they expressed a desire to dissolve that organization of the members who signed the membership cards?

A. No, they didn't.

Q. Did you sign up anybody in the E. R. A.?

A. Yes, sir.

Q. How many did you sign up?

A. Quite a number of them; I couldn't say.

Q. Well, approximately?

A. I would have to make a check before I could tell you.

Q. Well, 100 or 1000?

A. Not 1000.

Q. A hundred?

A. More than that.

Q. 200?

A. Approximately.

Q. Give it to me approximately; I am not interested in pinning you down to the exact number.

A. About 200.

Q. Where did you sign them up?

A. We signed a few up at the plant and a lot at the mass meeting that we had at the Republic Steel dance hall.

Q. Where was this meeting at the dance hall?

A. In the main office building.

Q. What was the date of that?

A. May 11th.

Q. Was it a dance or a meeting?

A. A mass meeting that we held at the Republic Steel dance hall.

Q. What was the date again?

A. May 11th; if I am sure.

Q. Now, did you get paid for the time that you spent in signing up the men?

A. Well—

Q. While they were in the plant after the E. R. A.?

A. We signed mostly—

Q. Was that before or after?

A. We signed mostly before work or at the noon hour.

Q. Did you sign any during working hours?

A. Yes, a number of them.

Q. Isn't it a fact that you were given time off to have some of them sign?

A. No, my hours—my machine was operating.

Q. What is that, your machine was operating?

A. Yes, my machine was going.

Q. Did you always sign up in your department?

A. Yes, sir.

Q. Now, your name is spelled out on that card; the Employees Representative Association?

A. Yes, sir.

Q. And you distributed hundreds of those cards for the men to sign up, is that correct?

A. Approximately 100 or 150.

Q. I am not referring to you, yourself, but to the other representatives who carried around the cards. There were hundreds of those cards also that were brought around with your name on it, is that correct?

A. Yes, sir.

Q. Now, they signed up men, is that correct?

A. I couldn't say for the other fellows.

Q. Don't you know that some of the other men signed up employees on Company time?

A. Well, I would hate to say what the other fellow did.

Q. If you don't know, say so.

A. I don't know.

Q. Are you sure that you don't know—

A. Yes.

Q. —that some of the employees' representatives under the old plan spent time in the plant, on Company time, signing up men on this white card, on Company time?

A. I don't know.

Q. Was the constitution ever adopted for the ERA?

A. Yes, we made quite a few changes in the one which we did have.

Q. Now, you are referring to the E. R. P.?

A. Yes.

Q. You made certain changes in the constitution and by-laws of the E. R. P.?

A. Yes, sir. We revised—

Q. Did that become the working or functioning constitution for the new organization?

A. Now we revised practically everything that was in it.

Q. I show you Exhibit 47, Plan of Employee Representation, Massillon Plant, as amended April 22, 1937, and ask you whether or not that is the revised plan about which you have been just testifying?

A. Yes, sir.

Q. And that is Board's Exhibit No. 47 was used for the Employee's Representative Association, is that correct?

A. Yes.

Q. Now, the white cards that were used to sign up employees in the plant, who paid for those?

A. We paid for those ourselves.

Q. When you say "we" whom are you referring to?

A. Representatives. We tipped in together and had them printed.

Q. Did you tip in at the meeting that was held after Mr. Meyers left the room?

A. Yes, sir.

Q. How much did you collect at that time?

A. We each tipped in a dollar.

Q. How many representatives were there, then?

A. If I remember right there was 20 there.

Q. You got $20?

A. Yes, sir.

Q. Now, who took charge of having the cards printed?

A. I did.

Q. Where did you have them printed?

A. At the Massillon Printing Company.

Q. Do you know what date they were printed?

A. How?

Q. Do you remember what date they were printed?

A. We were to have them printed that day.

Q. You were to have them printed that day?

A. That we had the meeting—the date I don't recollect.

Q. How close can you come to it?

A. Well, it was the same day that we had the meeting with Mr. Meyers.

Q. Is that May 11th. I am not sure of the date myself.

A. No, May 11th was the mass meeting we had.

Q. About April 15th, somewhere around there?

A. Somewhere around there, yes .

Q. You had charge of printing the cards also for the Independent Association of Republic Employees? Independent Federation of Republic Employees, is that correct?

A. Independent Association for Republic Employees?

Q. Yes.

A. Yes, sir.

Q. Did you have the cards printed for them also?

A. Yes, sir.

Q. Followed the same form?

A. Yes, sir.

Q. Did you decide on a name?

A. How?

Q. Did you decide on the name, Independent Federation of Republic Employees?

A. No, the committee that met decided on the name.

Q. Was it the following day you met and decided on the name?

A. How?

Q. What was the date or the day that the committee met and decided on the name?

A. July 6th.

Q. Were minutes kept of that meeting?

A. I don't know if there were minutes taken.

Q. There were minutes taken?

A. If I recall it right, there was.

Q. What is the name of the secretary?

A. Nathan Brown, he was secretary.

Q. That is of the I. F. R. E., is that right? Independent Federation of Republic Employees?

A. He was at the time.

Q. What is that?

A. He was at the time of organizing. At the time, that date.

Q. That is the same Nathan Brown?

A. He is not any more.

Q. That is the same Nate Brown who was secretary of the E. R. A. and he was an officer under the E. R. P., is that correct?

A. Yes.

Q. And you were vice-president of the Independent Federation is that correct? At that time, at the time of its formation?

A. I was president.

Q. President?

A. Chairman.

Q. What is that?

A. I was chairman of it.

Q. Chairman of the Independent Federation?

A. Yes, sir.

Q. You had been chairman of the E. R. A.? And of the E. R. P., is that correct?

A. Yes, sir.

Q. I am sorry, I am advised I am using the word "Federation" and the word is "Independent Association".

It is the Independent Association of Republic Employees?

A. Independent Association.

Q. Who suggested that name to you?

A. Well, we all kind of decided on the different names, and that is the name that we planned on having.

Q. Well, now, do you know who suggested that name?

A. I couldn't tell you.

Q. Are you sure?

A. Maybe I did, myself.

Q. Are you sure, now? What is that?

A. Maybe I did, myself, I don't know. I don't recall it.

Q. Don't you remember that you did?

A. We finally decided on the name.

Q. And don't you remember that you made the suggestion of the name?

A. I might have.

Q. That was on July 6th, is that right?

A. Yes, sir.

Q. Who suggested that name to you?

A. Well, on the 6th, twenty of us talked about it and—

Q. No, I am asking you who suggested the name to you?

A. You mean Employees Representative Plan?

Q. Independent Federation, or Independent Association of Republic Employees? Who suggested that name to you?

A. As I told you before we talked about it and we planned on some names and we finally decided on that name.

MR. LAUTER: I move the answer be stricken and I will ask that this witness be directed to answer the question.

TRIAL EXAMINER LINDSAY: Yes, that answer is stricken. Now, read the question back.

(The last question read.)

A. I could not tell you that.

Q. Did you discuss the name of the organization with anybody before the meeting?

A. Not before the meeting. We didn't know anything about it.

Q. Did you discuss it with anybody before the meeting?

A. No.

Q. And you think that you suggested the name, is that correct?

A. I might have.

Q. Did you discuss the name of the organization with any official of the company?

A. No, sir.

Q. Did you know that similar organizations were being called by the same name in other Republic plants?

A. There was similar to them.

Q. Did you hear about that before you went to the meeting?

A. Yes, sir.

Q. Is that where you got the idea?

A. Yes, sir.

Q. Just from hearing that they were calling other organizations by the same name?

A. No, we have had a meeting in Cleveland, that is what they call Central Council, we had talked about it at that meeting.

Q. I want you to describe those Cleveland meetings. What was the first meeting you went to in Cleveland?

A. It was last fall sometime, we decided we ought to have a central council, that is, members from all the plants of the Republic Steel Corporation. We asked the company about it and they granted us the permission of meeting with each other in Cleveland. So there was two men from each district.

Q. There were ten districts, is that right?

A. I believe there was nine districts.

Q. Nine districts? Those were the northern districts, is that right?

A. Yes, sir.

Q. There were about 18 representatives?

A. 18 representatives.

Q. You were one of the two selected from your area?

A. Yes, sir.

Q. Who was the other one?

A. Nathan Brown.

Q. How many meetings did you attend at Cleveland?

A. Well, I believe there was altogether three of them.

Q. Don't you recall attending more than three?

A. No.

Q. The first one was held in the fall of 1936?

A. Yes, sir.

Q. How long did you stay in Cleveland?

A. One day.

Q. Were you paid for that day by the company?

A. Yes, sir.

Q. Were all expenses going there and coming back paid by the company?

A. We got our day's wages out of it.

Q. Is that all you got?

A. And I believe we got two hours extra, ten hours for it.

Q. Did they serve any meals there?

A. Yes, they did serve us meals.

Q. They paid for them?

A. Yes, sir.

Q. Now, what happened at the first meeting? Describe as fully as you can.

TRIAL EXAMINER LINDSAY: There is one question that has not been answered. Read the record.

(Record read by the Reporter as follows:

"Q. Were all expenses going there and coming back paid by the company?

"A. We got our day's wages out of it.)

TRIAL EXAMINER LINDSAY: Now, that question right there has not been answered.

Q. (By Mr. Lauter) Will you answer that question?

A. Yes, they were.

(Question read by the Reporter as follows:

"Q. Now, what happened at the first meeting? Describe as fully as you can.")

A. That is the time that we revised those by-laws. We met, representatives met together and revised those by-laws. We had a meeting with the management in regards to them.

Q. Are you now stating that Board's Exhibit 47, which bears on the face of it, "As amended April 22, 1937," was a revision of the E. R. P. by-laws sometime in the fall of 1936?

A. No, it wasn't it.

Q. Now you try to tell us what took place at the first meeting sometime in the fall of 1936?

A. I know we went over a lot of grievances which different plants—in regards to wages and conditions, to find out whether each plant had the same wage in regards to wages and working conditions, we done that. What more, I don't quite recollect any more.

Q. Let's go to the second meeting. Do you remember the second meeting?

A. Yes, sir.

Q. When was that held?

A. It was around the first part of March.

Q. Who called that meeting?

A. By the chairman of Cleveland of the central organization.

Q. Was that held at the Republic Steel Corporation offices in Cleveland?

A. Yes, sir, it was.

Q. How long did you stay in Cleveland at that time?

A. If I recollect quite right, we stayed there two days.

Q. All expenses going there and while you were there, were paid for by the Republic Steel Corporation?

A. Yes, sir.

Q. Including meals?

A. Yes, sir.

Q. And the regular salary kept coming just the same, is that correct?

A. Yes.

Q. Now, when did the third meeting—

MR. DAY: When you say "salary" you mean the wages and compensation?

MR. LAUTER: That is right. Well, he has already testified in respect to the first meeting, at any rate they got paid for ten hours.

MR. DAY: I thought the word "salary" might be misleading.

TRIAL EXAMINER LINDSAY: I think he means salary and wages as one and the same thing.

MR. DAY: Yes, all right.

TRIAL EXAMINER LINDSAY: Is that right, Mr. Lauter?

MR. LAUTER: Yes.

Q. (By Mr. Lauter) When did the third meeting take place in Cleveland that you attended?

A. The third meeting was called by the—in the group of Independent Association of Republic Employees.

Q. Wasn't there a meeting at which you revised the minutes or the by-laws, rather, of the Employees Representation Plan?

A. Yes, there was a meeting for that, but that wasn't the meeting.

Q. It wasn't that meeting?

A. The meeting—first meeting in March, that wasn't the meeting we revised the by-laws.

Q. There was a meeting held, whether it was the third, second, third or fourth or fifth you attended, at which they revised the old by-laws?

A. Yes, there was one.

Q. And it was the same group of employees that made the by-laws, that had met back in the fall of 1936?

A. Yes, sir.

Q. And that was the same group that later met as the Independent Association or Independent Federation of Republic Employees, is that right?

A. Yes, sir.

Q. Now, it was at one of those meetings in Cleveland that the name was suggested, is that correct?

A. Yes, but the Chicago gang had already organized under that plan, and that name was suggested up there at that time.

Q. Then you came back and you made the suggestion at one of the meetings here?

A. I made the Chicago at one of the meetings, yes.

Q. Now, do you recall when the meeting was held in Cleveland, of the Independent Federation or Independent Association of Republic Employees?

A. That was called August 2nd and 3rd, I believe we had a meeting up there at that time.

Q. Who called that meeting?

A. Chairman of the Central Council.

Q. The same one who called a meeting for the E. R. P. and the E. R. A., is that right?

A. Yes, sir.

Q. And were the same representatives present, there?

A. No.

Q. Who participated in the earlier meetings?

A. There was different ones. There only was a few of us, of old representatives there.

Q. Did the company pay the expenses?
A. No, sir.
Q. Did you lose any time when you were there?
A. Yes, sir, I lost two days.
Q. You didn't get paid for those two days?
A. No, sir.
Q. They haven't been made up in any other way?
A. No, sir.
Q. How long did they stay there?
A. Two days. We stayed one day and we went back the next day. We went back home.
Q. Was that the first meeting of the representatives under this Independent Federation of Republic Employees?
A. It was.
Q. In Cleveland?
A. Yes, sir.
Q. You say that was August 2nd?
A. August 2nd.
Q. And 3rd?
A. And the 3rd.
Q. Did you adopt any constitutional by-laws or discuss the adoption?
A. We discussed that, yes.
Q. Has any constitution and by-laws been adopted?
A. We are working on them now, at the present time.
Q. You testified that under this Independent Association there were dues, initiation fees, and so on, is that correct?
A. Yes, sir.
Q. And the initiation fees were 50 cents, and the dues were 50 cents a month?
A. Yes, sir.
Q. You testified of about 2400 members?
A. Yes, sir.
Q. Are you referring to the paid up membership?
A. Well, no, not exactly.

Q. How many of those are paid up members?

A. Approximately 1900 paid up-to-date.

Q. When you say that, you mean paid initiation and paid monthly dues, is that correct?

A. Yes, monthly dues, paid initiations.

Q. How many months have gone by since the commencement of the collection of dues?

A. August and September we have started—we started the 6th of August—I mean the 6th of July.

Q. Yes.

A. That is July and August. It is two months.

Q. And have you waived the collection of dues in the case of any particular members?

A. We give some a chance. That is, if he didn't have the money or if they were hard up and weren't able to pay, we gave them a chance.

Q. Where did you collect the dues?

A. Anywhere.

Q. You collected them in the plant?

A. Sometimes during working hours.

Q. Sometimes you collected them during working hours?

A. Somebody comes along and hands it to you.

Q. You collected them during working hours?

A. Yes, sir.

Q. Now, has any committees been set up under this Independent Association?

A. Yes, we have. Independent Association of Republic Employees.

Q. How do these committees of the Independent Association compare as to form of organization with the committees under the old E. R. P.? And E. R. A.? You have the same types of committees.

A. Well, they are all new men.

Q. By the same types of committees, you have a rules and ways committee?

A. No, we haven't yet.

Q. But you have the form?

A. Not yet. We wanted to draw up a by-laws first.

Q. Tentatively, what have you?

A. We have a committee of 27 men representing the men down there.

Q. What committees then are set up besides this 27 men committee?

A. Outside of the officers that have been elected we haven't appointed any committees.

Q. How did you say these men are selected? The 27.

A. Each department went up to the lodge room and voted these men in.

Q. When were those meetings held?

A. After work.

Q. How many departments voted?

A. All departments but one.

Q. Was there a representative for each department?

A. Yes.

Q. You had 27 departments voting, is that correct?

A. The committee—

Q. You had 27 departments voting, is that correct?

A. No, some departments got more than one.

Q. That is less than 27 departments are voted, is that correct?

A. Oh, yes, less.

Q. How many representatives are in a given group of men?

A. Well now, we take the sheet mill and that has got four committee men.

Q. How many are there in the sheet mill?

A. I believe there is about 700 men.

Q. There is 1 to every 200?

A. Approximately. We have that. Outside of the maintenance department we got about 200 men but on ac-

count of the department being so spread out that we got 2.

Q. Well, it was under the same plan as the E. R. P. and the E. R. A., is that correct?

A. Yes, sir.

Q. How many did you say were eligible for membership in the Independent Association?

A. About 450, as close as I can figure it out.

Q. You testified about a July 8th meeting. There was 16 men present. Where was that meeting held?

MR. DAY: Was that the 8th or the 6th?

Q. Was there a meeting on the 8th or on the 6th only?

A. On the 6th.

Q. What was the date of the first meeting of the Independent Association, on the 6th?

A. The 6th of July.

Q. Now, were you advised by anybody to start the formation of the Independent Association?

A. No, sir, I wasn't.

Q. Why was it started?

A. We wanted to have an organization down there so we could deal with the management.

Q. Did you have the Employees Representative Association?

A. No, we didn't have that any more. The men wanted it abolished on account of the name.

Q. Was that the only reason why you started an Independent Association?

A. That is the only reason we changed the name and formed a new one.

Q. When you say that is the only reason you changed the name and formed a new one from the E. R. A. to the Independent Association—

A. Yes, sir.

Q. Is that the only reason for the formation of the new organization because of the name?

A. No, we wanted to have a way of dealing with the Company representing the men so that we could deal collectively with the Company.

Q. Wasn't the E. R. A. a way of dealing with the Company?

A. Well, it—after the strike and all that, it didn't seem to function right, and we just wanted to start something new. Start all over new.

Q. Now, how many men were present on July 6th, did you say?

A. About 16.

Q. Who were the men who were present there?

A. Men from different departments.

Q. Were you present?

A. Yes, sir.

Q. Nate Brown was present?

A. Yes, sir.

Q. Was Hoffman there?

A. Yes, sir.

Q. Were there the same men at the Independent Association as were at the E. R. P.?

A. Don Burkett I believe was the only one.

Q. Anybody else?

A. Henry Gonder.

Q. Was Shaw there?

A. No, sir.

Q. He was the Financial Secretary?

A. Hoffman was.

Q. That is, of the Independent?

A. Yes, sir; he was until—

Q. So those are the only representatives that you can think of who were present at the July 6th meeting?

A. Yes, sir.

Q. How were you selected?

A. I can't push the thing along.

Q. What do you mean?

A. I mean I am the one that sent word to those fellows to come to the meeting.

Q. Were you selected or did you name yourself?

A. I was elected as temporary chairman to go on with the booth.

Q. How did you happen to go to the meeting on July 6th? Did somebody elect you to go?

A. No, I started the thing; I started the organization.

Q. Did anybody elect the other men?

A. After we got the organization—

Q. Did anybody elect the other men on July 6th or did you just call them?

A. I just called them or asked them to come or sent word around for them to come.

Q. Was that during the working hours that they were to come?

A. Before and during working hours, yes, sir.

Q. Now, was the basis of your selection—what was your basis of the selection of these 16 men?

A. So I could talk to the men—

Q. How did you know whom to select?

A. I talked to different men about it; different working men about it.

Q. Is that the only basis for the selection of those 16 men?

A. Yes, sir.

Q. The fact that you had previously spoken to them?

A. Yes, sir.

Q. And you had not spoken to anybody else about the selection of any particular individual?

A. No.

Q. You decided that all for yourself?

A. Yes, sir.

Q. What kind of notice did you send?

A. I just sent word from mouth to mouth; sort of sent it around that way.

Q. Telephone any of them?

A. I did talk to them the week before about it, that I would like to have a meeting that day.

Q. Whom did you speak to a week before?

A. At the Chamber of Commerce office when we signed up the men that wanted to go back to work.

Q. Whom did you speak to there?

A. It was Tony Walsh, Paul Hoffman, Don Burkett, Tommy Burkett.

Q. What was the last name?

A. Tommy Burkett. And some of them that I can't quite tell you the names but I would know them if a saw them.

Q. Who decided to leave out some of the former employees' representatives?

A. Well, they just simply didn't seem to take no active part in it, and we just left them out and forgot about them.

Q. Who decided to leave them out?

A. The new committee.

Q. Well, when you were talking about the Chamber of Commerce office, you were talking to those men there at the Chamber of Commerce office?

A. Yes, sir.

Q. And you talked to them at that time, about a week before July 6th, is that correct?

A. Yes, sir.

Q. And the week before you selected 16 men from various departments?

A. Not all of them. I spread it around that I wanted them.

Q. Some of those are representatives, is that correct?

A. Yes, a few

Q. Which ones are representatives?

A. Burkhart was one.

Q. Hoffman?

A. Hoffman and Brown I guess was the only ones was present and myself.

Q. Did you leave the mill on May 25th? The day of the strike?

A. I went out the day before and I didn't go back.

Q. How does it happen that you weren't working on May 25th?

A. I didn't know anything about it. I went home that Tuesday night and I was notified that pickets were at the plant that night. My son-in-law, he came out at 11 o'clock shift.

Q. Did you work on Tuesday?

A. I worked on Tuesday, yes.

Q. Did you work on Wednesday?

A. No, sir.

Q. When did you go back into the plant?

A. July 6th.

Q. Were you paid between May 25th and July 6th?

A. Hell, no.

Q. Didn't get paid for any of that time?

A. No.

Q. You were at the Chamber of Commerce office?

A. Yes, sir.

Q. When you assisted men in signing up the Back-to-Work?

A. Yes, sir.

Q. Is that where the petitions were signed?

A. Yes, sir.

Q. Were the petitions circulated from the Chamber of Commerce?

A. No, the men had to come in to sign up.

Q. Did you send out any men to come out to the Chamber of Commerce?

A. We put ads in the paper notifying the men about it.

Q. Who paid for those ads?

A. The Citizens League.

Q. The Citizens League—the Citizens Committee of the Chamber of Commerce?

A. The Citizens Committee of the Chamber of Commerce, yes.

Q. They paid for the ads, is that right?

A. That is the Citizens Committee that formed. I don't know whether they were members of the Chamber of Commerce; I don't know.

Q. They paid for those ads?

A. Yes, sir.

Q. And then you used the space in the Chamber of Commerce office?

A. We did.

Q. Yes, you did?

A. Yes, we had one room at that time.

Q. Did you send out men to the various homes to have the petitions signed?

A. No, sir. We did at first but about two weeks before that, we tried that.

Q. What date are you referring to when you say about two weeks before?

A. We wrote petitions and ran around and tried to sign up men on the street, and some went to the homes and asked them to sign but towards the last it got so that the men were afraid to sign them up and we dropped that method.

Q. Who paid for sending those men out to the various homes?

A. Nobody. That was done free of charge.

Q. Were any of those foremen?

A. No, sir.

Q. Can you name some of the men that went to the various homes?

A. Well, I understand Hoffman did.

Q. What is his position in the mill?

A. He is—I don't know if he is piler or inspector, one of the two in the billet shed.

Q. That is equivalent to a foreman's job, isn't it?

A. Oh, yes—no, he is not a foreman at all.

Q. Well, inspector job is equivalent of a foreman's job, isn't it? About the same rank?

A. I can't say that.

Q. Don't you know it is the same rank?

A. No.

Q. You don't know that? Well, is it higher than a foreman's job?

A. No, it is not a foreman's job, it is a common job.

Q. Now, do you say that none of the men who went out with those petitions were foremen?

A. Not that I know of.

Q. You say the first meeting—there was a meeting on July 6th, is that correct?

A. Yes, sir.

Q. Where did you say that meeting took place?

A. We met down in the pipe shop at noon hour.

Q. That was the day you went back to work?

A. Yes, sir.

Q. Whom did you speak to about getting permission for that room?

A. We didn't speak to anybody about it. We just took the—

Q. You didn't speak to anybody before the meeting was called?

A. No, sir, outside of—

Q. What time was that meeting called?

A. It was called at noon, 12 o'clock.

Q. How long did the meeting last?

A. Oh, about half an hour, little over.

Q. What other expenses were incurred by E. R. A., apart from printing of those cards, if any?

A. The Independent Association?

Q. No, I am talking about E. R. A., you collected about $20?

A. Employees Association?

Q. Employees Representative Association?

A. Employees Representative Association?

Q. You say that at the meeting you collected about $20 and had some cards printed, is that correct?

A. Yes, and we had a stamp made, too, that cost sixty cents.

Q. Did you pay for that, too, out of the $20?

A. Yes, sir, I paid some out of my pocket, too.

Q. Were you ever reimbursed for what you put out of your pocket?

A. Not yet.

Q. Do you expect to?

A. I don't care if I do.

Q. You don't expect Republic to pay for that?

A. Oh, I expect more than that in my days for labor.

Q. Did the General Body of the E. R. P. meet after April 12th, 1937?

A. What is that?

Q. Did the General Body meet, under the Employees Representation Plan—meet after April 12, 1937? April 12, was the day that the Supreme Court upheld the Wagner Act. Maybe I can refresh your recollection. You testified, I believe, that the Employees Representatives continued to handle grievances after the Act was upheld. Do you recall that?

A. That is with the foreman and superintendent we did, but I don't recollect of any meetings.

Q. You don't remember whether any General Body meetings were held?

A. I don't recollect that, no. But we kept on func-

tioning the same as before. That is, committees seeing the foreman about grievances and superintendents.

Q. Well, this meeting you had, at which Mr. Carl Meyers left the room, wasn't that meeting of the E. R. P.?

A. Well, that is the time we changed over to the association.

Q. That was sometime after April 12, 1937?

A. No, that was the same day.

Q. The same day?

A. Yes, as soon as Mr. Meyers left why we got into a huddle.

Q. Well, it was after the Act was upheld that they told you they couldn't give you any more finances, is that correct?

A. Yes.

Q. It was after April 12th that you held this General Body meeting at which Mr. Carl Meyers left the room?

A. That was the same day.

Q. The same day, April 12th?

A. If Carl Meyers was there April 12th, that is the day it was.

Q. He would not have spoken to you before the Act was upheld, would he? He spoke to you after the Act was upheld?

A. Yes, sir.

Q. I am saying there was this General Body meeting after the Act was upheld, either on that day or any subsequent day?

A. It was the same day, as soon as he left, why we discussed our new organization.

Q. I do not think you understand my question, Mr. Linckenhely. Whatever the date was that Mr. Meyers came and spoke to you, that day certainly was the day the act was upheld or a day later, or a couple of days later, is that correct?

A. I believe that was a day later.

Q. Day later?

A. Day after.

Q. Day after?

A. Yes.

Q. And that was a meeting of the General Body of which you spoke, is that correct?

A. Yes, when Mr. Meyers called us in.

Q. And you were paid for attending that meeting, at any rate?

A. Yes.

Q. Have any grievances ever been taken up with the president of the company, as far as you know?

A. They had never got that far.

Q. It never got to the arbitration committee you referred to?

A. No, it didn't.

MR. LAUTER: That is all.

MR. DAY: That is all, right now.

TRIAL EXAMINER LINDSAY: Now, you say you have no more witnesses for today?

MR. DAY: We haven't any, this afternoon. I think I told you why, the situation I was in.

TRIAL EXAMINER LINDSAY: Well, you get all of those witnesses around for tomorrow morning, Mr. Day.

MR. DAY: Get them all here?

TRIAL EXAMINER LINDSAY: Yes.

(Discussion held off the record.)

(Whereupon at 4:30 p. m. September 13th, 1937, an adjournment was taken to 9:30 a. m. September 14, 1937.)

Council Chambers, City Hall,
Canton, Ohio,
Tuesday, September 14, 1937.

The above-entitled matter came on for hearing, pursuant to adjournment, at 9:30 o'clock a. m.

Before:

JOHN T. LINDSAY, Trial Examiner.

Appearances:

MARK LAUTER, Esq., and
JOSEPH A. HOSKINS, Esq., appearing for the National Labor Relations Board.
LUTHER DAY, Esq., (Cleveland, Ohio), and
J. G. KETTERER, Esq., (Canton, Ohio), appearing for the Respondent.

PROCEEDINGS

TRIAL EXAMINER LINDSAY: The hearing will come to order.

NICK LINCKENHELY

the witness on the stand at the time of adjournment, resumed the stand and testified further as follows:

Direct Examination

Q. (By Mr. Day) I want to ask you some questions today about this Back-to-Work movement. Who started that, if you know, in Massillon?

A. Well, there was a committee of six that started it; they were formerly representatives.

Q. Who were on the Committee?

A. I was, myself, Nathan Brown, Paul Hoffman, Henry Gonder, Sam Schilling—(To the Reporter) Is that six?

THE REPORTER: Five.

Q. Is that all you can name now?

A. Yes, at the present time.

Q. Now, what was the jobs of these men?

A. Well, we met the day of the strike; the following day—

Q. I mean, where did they work in the mill?

A. Well, they are all working men. The one works up in the office, the one works down in the billet shop, the one down in the blooming mill, I, myself, in the machine shop.

Q. Who became active in the movement after you started it?

A. Well, we went along trying to get the feeling of the men, trying to see what possibly could be done in getting the men back to work.

MR. LAUTER: I move that the remarks of the men with regard to their feeling be stricken from the record.

MR. DAY: Yes.

TRIAL EXAMINER LINDSAY: Yes, that may be stricken.

Q. Just tell what you did.

A. We went around to talk to different men, and they also contacted us up until the middle of June. Why, the men got pretty dissatisfied—

TRIAL EXAMINER LINDSAY: That is stricken from the record.

MR. DAY: Yes. Don't tell about that—

TRIAL EXAMINER LINDSAY: "Pretty dissatisfied" is stricken from the record.

Q. Were there any foremen in this movement?

A. Yes, there was two of them. They got in contact with us in the middle of June.

Q. Can you tell us their names?

A. Paul Rider.

Q. Now, he was the foreman in what plant of the shop?

A. Billet shop.

Q. To your knowledge, did he circulate any petitions of his at all?

A. Not that I know of.

Q. Who was the other foreman?

A. Emell.

Q. To your knowledge, did he circulate any petition of his at all?

A. Not that I know of.

Q. Were there any other foremen that you can recall who were active in this movement outside of those two men that you have mentioned?

A. No, there wasn't.

Q. Now, you have said the first man you have named was a foreman in one department. What department was the other one in?

A. The blooming mill.

Q. Now, you say the first meeting took place where?

A. It was over at my house; they came out to see me.

Q. And those six men were up there at that time?

A. Yes, sir.

Q. Now, just tell us what happened; don't give—

MR. LAUTER: May we have the date fixed?

Q. Fix the date as near as you can at the meeting at your house.

A. The 26th of May.

Q. That was right after the strike, wasn't it?

A. The following day after the strike was called.

Q. Well, who called that meeting?

A. They all came to see me.

Q. Well, do you know how they came to see you?

A. Well, being chairman, they naturally came up to see me the following day.

Q. Well, not "naturally", but did they come up to see you the following day?

A. The 26th day.

Q. Now, what took place at that meeting? Just tell what happened. Don't give your own conclusions or deductions from what happened, but tell what happened.

A. We talked about the strike, how quick it was pulled, and no reason whatever, they talked about it.

TRIAL EXAMINER LINDSAY: That "no reason whatever" is stricken from the record.

Q. (By Mr. Day) What, if anything, did you do? Answer the question directly, what, if anything, did you do at that time about a Back-to-Work Movement?

A. We talked about it, trying to contact the men in regards to it.

Q. And then after you talked about it, state whether or not you attempted to contact the men?

A. We did.

Q. By what means?

A. By talking to them on the street and forming little meetings.

MR. LAUTER: May I have the last answer read?

(The last answer read by the Reporter.)

Q. Were any petitions circulated?

A. Yes, sir.

Q. And when was that done?

A. About the middle of June when we started with petitions.

Q. Now, what became of those petitions? How were they circulated?

A. We gave them to different men that wanted to go out and get signers and we signed some ourselves.

Q. Well, now, what happened to those petitions?

A. There is one party I believe has got them yet but we did not pay no attention to those petitions any more after we started the big move.

Q. When was it you started what you have just called the "big move"? When was that? About when?

A. About the 20th of June, around there.

Q. The 20th of June?

A. Yes, sir.

Q. And what was done in connection with that move?

A. First we called a meeting at the City Hall.

Q. How was that meeting called? Was it advertised in any way?

A. By telling each of us—each one of us going around telling different fellows to be there.

Q. And what time? When was that meeting held? Let's have the date of that as near as you can remember, that meeting at the City Hall?

A. Might have been around the 20th of June.

Q. And how many attended that meeting?

A. There might have been in the neighborhood of 200 or 250, I can't exactly say the figures.

Q. Now, were there anybody there besides the men? I mean, were there any Chamber of Commerce people there or—

A. Not that I know of.

Q. —or Citizens Committee?

A. Not that I know of.

Q. What happened at that meeting?

A. A committee of us went in to see the Chief of Police and the Mayor and the Safety Director.

Q. And what happened?

A. We talked to them in regards to having police protection and told them that we wanted to get back to work.

Q. Now, after that what happened?

A. Do you mean after the meeting?

Q. Yes.

A. We arranged a meeting the following day at Willowdale.

Q. Willowdale? Where is Willowdale?

A. It is out on the other side of McDonaldsville.

Q. And did you have that meeting?

A. Yes, sir, we did.

Q. About what time of the day was that?

A. 2:00 o'clock in the afternoon.

Q. About how many attended?

A. There might have been 450 to 500 there.

Q. Now, what happened at that meeting? Just tell us about that in your own way.

A. Then we arranged—we talked about getting back to work, the men were very anxious of trying to get back, some of them were getting violent and we tried to—

TRIAL EXAMINER LINDSAY: Just a minute.

MR. DAY: That may go out by consent.

TRIAL EXAMINER LINDSAY: "Some were getting violent" is stricken out of the record.

Q. Just tell what happened at the meeting, not your own conclusions about what happened to the men or anything of that kind, but just tell us what happened and what took place at the meeting, that is all.

A. I talked at the meeting, and a couple more got up and talked, and they wanted some more of those meetings. So we arranged a meeting for two days later.

Q. Where was that meeting held?

A. At Sippo Park, yes, sir, it was.

Q. What took place generally at that meeting?

A. Well, we talked some more, and they were anxious of getting back to work, and kept on talking towards that way.

Q. About how many came to that meeting at Sippo Park?

A. There might have been 700 or 800 at that meeting.

Q. Were any other meetings of that kind held?

A. The following Monday there was a meeting held in front of the City Hall.

Q. About how many attended that meeting?

A. Around 600 or 650.

Q. Was the same general topic discussed?

A. Yes, sir, it was in regards to a protest, that they met there.

Q. Can you fix the date of that meeting in front of the City Hall, as near as you can, so we can have it and counsel for the Labor Board may have it?

A. I could not, unless I could get the calendar.

Q. Well, approximately is all you have to do.

A. It was the following Monday after the meeting at Willowdale.

Q. Well, all right, then, did you hold any more of that kind of meetings?

A. No, we tried to have one at Sippo Park, we advertised it strong, but we were stopped from holding it.

Q. By whom?

A. Chief of police.

Q. Switter?

A. Switter, yes, sir.

Q. Now, state whether or not your committee or the group to which you belonged had any conferences with anybody connected with the Citizens Committee?

A. Yes, we did.

Q. When did you first have any conferences with them?

A. About the 20th of June after we came here to see the sheriff, we went back to Massillon, we called on the Chamber of Commerce for assistance.

Q. And where did that meeting take place?

A. At the Chamber of Commerce office.

Q. And who else was there?

A. There was J. Lester, Glen Langham, Mr. Poe, Mr. Quinn from O. P. S., quite a number of others that I can't just name.

Q. That is all right, that is enough. What took place at that meeting?

A. Well, they all talked about the Back-to-Work

Movement and how to find a way and means of trying to get the men back to work.

Q. State whether or not there was any discussion at that meeting about a place, getting a place?

A. Getting what?

Q. A place for the men to sign or anything of that kind?

A. Why, no, they didn't.

Q. There was no such discussion?

A. That day there was nothing said about that, at that time.

Q. Then when did you meet again with somebody from the Citizens Committee or Chamber of Commerce?

A. Well, we met with them practically every day.

Q. What, if anything, was done about getting a place to have the men sign up?

A. I got that idea the following Monday—no, the following Tuesday after that mass meeting that we was going to hold it at Sippo Park. I got the idea that if we would have an office where the men could go and sign up to go back to work and really find out how many men wanted to go back to work.

Q. What did you do along that line?

A. I met Mr. Case on the main street and I put the proposition to him and he said: "Well, we will see about it." At the same time Mr. Langham came along, and Mr. Case asked him about it, and he said: "How about this Union Bank that is closed down; I guess we will be able to get that place." I said: "If we will be able to get it, that will be fine." We went to see the head men of the State Bank. We found out that they owned that place. Of course, right away they wanted $25,000 insurance on it. Well, we made arrangements to get that for them the next day but we was to start the following morning in signing the men up. The following morning when we came there to

open up the place, well, they wouldn't let us open up. They wanted more insurance on it.

Q. Well then, what happened?

A. I got word that the Chief of Police wanted to see me so I went down with Paul Hoffman and Johnny Walsh and Fred Becker.

Q. Yes.

A. He tried to tell me not to do it so I told him, I says: "The men wanted to go ahead with it." And I says: "I can't see why I should stop it at this time." So he says: "Well, just wait a minute." And he called up the captain of the National Guards in Canton.

Q. Did you hear what was said?

A. I didn't; I heard his conversation that he told the Captain that I wanted to go ahead, and that I found a place to have the men sign up and go back to work, and afterwards the Chief, when he hung up, he told me, he says: "The Captain said you should not go ahead, you should call it off." In the meantime I met Case coming in the office and I asked him whether we could use his office upstairs to sign up the men because we couldn't get any other place, so he said: "Sure, go on use it." So the whole Committee went up there and we got the petitions ready and got a couple of desks lined up in the office, and we marked up the ad in the mill, and all the men knew about it, those on the street, and we—

TRIAL EXAMINER LINDSAY: "Knew about it" is stricken from the record.

Q. You said they were on the street—

A. They were on the street and waiting.

Q. They were waiting on the street. All right.

A. And a few of us went down and notified them to go down to the Chamber of Commerce office to sign up, and we started at 10 o'clock.

Q. Now, can you tell us what day it was that they

started to sign the petitions in the Chamber of Commerce office as nearly as you can fix the time?

A. It was on Wednesday morning.

Q. I see we have a calendar on the wall there with August, September and October but I don't see June or July. Well, you say it was on a Wednesday. Can you fix the time approximately to your best recollection; the date it was?

A. How many days are there in the month of June?

Q. Was it the beginning or the end of June?

A. It was the end of June.

Q. Now then, what happened after that after you had this place set up? What happened?

A. Well, the men came up and signed. They would come in the office; they wanted to know where to sign, and we would ask them what department they belonged to, and told them what petition to sign.

Q. Now, how much of the time were you there? How much did you spend there?

A. Well—

Q. In the first place, how many days were consumed in the signing of this petition?

A. Wednesday, Thursday, Friday and Saturday of that week.

Q. Now, can you recall how soon after that or when it was that the mills opened up?

A. It was the week of that—that the mill opened up that week. The mill opened on Friday.

Q. Now then, were you with the men that signed up all of the time or part of the time?

A. Yes, sir, most of the time I was there; I was there anywhere from eight to ten hours a day.

Q. Did you see them sign up?

A. Yes.

Q. Tell us what was said to them.

A. They would come up and they would ask where to

sign. We would ask them what department they belonged to and we showed them what petition to sign.

Q. Do you know where the petitions themselves were gotten up?

A. Why, the first petition was signed in the middle of June, and we used that headline—the same headline.

Q. Do you know who got up the headline? Who composed the headline?

A. As near as I can make it, Fred Becker and Johnny Walsh.

Q. Then you used the same headline?

A. Yes, sir.

Q. Now, I want to mark this Respondent's Exhibit 15. I will hand you a series of papers pinned together and marked for identification as Respondent's Exhibit 15 and ask you if you know whether those are the papers—have you examined those papers first?

(Thereupon the document above referred to was marked Respondent's Exhibit No. 15 for identification.) A. Yes, sir.

Q. Can you state whether or not those are the papers that were signed in the Chamber of Commerce?

A. Yes, sir, they were.

Q. They were?

A. Yes, sir.

MR. DAY: I want to offer this in evidence in connection with the evidence of this witness.

MR. LAUTER: I want to object on the ground that it is incompetent, immaterial and irrelevant.

TRIAL EXAMINER LINDSAY: Well, I will take this under advisement. I haven't time now to go through all those papers.

MR. DAY: I understand.

Q. You didn't see all the names signed but you were there part of the time?

A. Yes, most of the time.

Q. You were?.

A. Yes.

MR. DAY: I will ask no more about it at this time.

TRIAL EXAMINER LINDSAY: Yes.

MR. DAY: I think that is all.

Cross Examination

Q. (By Mr. Lauter) Mr. Linckenhely, you named some six men who were active in the Back-to-Work movement, is that correct?

A. Yes, sir.

MR. DAY: May I ask one more question of this witness?

MR. LAUTER: Yes.

Redirect Examination

Q. (By Mr. Day) Were you present when any adding was done on this?

A. Yes, sir.

Q. You didn't do the adding yourself?

A. No, the Committee that was up there at that time.

Q. How many names were added up there?

A. Why, there was something around 2500 but we took from those the Union Drawn Steel out of it and it left around 2200 for the Republic Steel Corporation.

Q. You didn't manipulate the adding machine yourself but you were there at that time?

A. Yes, sir, I didn't, but we counted them up.

MR. DAY: That is all.

Cross Examination

(Continued.)

Q. (By Mr. Lauter) Will you read that last question and answer?

(The last question and answer were read.)

A. Yes, sir.

Q. Now, did they include a Mr. Brown?

A. Yes, sir.

Q. Nate Brown?

A. Yes, sir.

Q. He was a representative of the E. R. P.?

A. Yes, sir.

Q. And an officer under the E. R. A.?

A. Yes, sir.

Q. And also active in the Independent Association?

A. No, he wasn't; just when we organized it.

Q. What was his position? I forgot what you said the day before.

A. He works.

Q. What was his position in the Independent Association?

A. Secretary. He was taking care of the shop.

Q. He did the same job under all three plans?

A. Yes, sir.

Q. Do you know a Mr. Hoffman?

A. Yes, sir.

Q. He is also an officer and representative in all three Associations called the E. R. P., the E. R. A., and the Independent Association?

A. Yes, sir.

Q. The third one was yourself?

A. Yes, sir.

Q. And you were Chairman of all three, is that correct?

A. Yes, sir.

Q. Now, I didn't get the names of the other three? What were they?

A. The other three what?

Q. The other three men who were interested?

A. Henry Gonder.

Q. Was he active in any of the other plans?

A. Yes, sir, he also.

Q. What was he in the E. R. P.?

A. Nothing outside of a member.

Q. A representative?

A. Yes.

Q. What was he under the E. R. A.?

A. Same thing; a representative.

Q. He was in the Independent Association?

A. He helped to organize.

Q. He was one of the Committee of 27?

A. Yes, sir.

Q. Who was the fifth one?

A. Sam Schilling.

Q. Sam Schilling?

A. Yes, sir.

Q. What was he in the E. R. P.?

A. He was a member of it.

Q. A representative?

A. Yes, sir.

Q. Was he also represented under the E. R. A.?

A. Yes, sir.

Q. And also the Independent Association?

A. Well, he was—

Q. He was a member of that first Committee of 27, is that correct?

A. Yes, sir. 16.

Q. 16?

A. Yes, sir.

Q. Who was the sixth one?

A. You have got Burkhart down here?

Q. Burkhart?

A. Yes, sir, Don Burkhart.

Q. He, of course, was a representative?

A. Yes, sir.

Q. Of the E. R. P. and the E. R. A.?

A. Yes, sir.

Q. And also was active among the 16 men in the Independent Association?

A. Yes.

Q. You testified about a meeting being held in your house on May 26th?

A. Yes, sir.

Q. At which six men were present?

A. Yes, sir.

Q. You recollect that?

A. Yes, sir.

Q. About what time of the day did that meeting start?

A. It was in the morning around 9 o'clock.

Q. Had you met those men the day before?

A. No, I didn't.

Q. Had you met with any of those men the day before?

A. No; it was the following morning that we got together on the strike.

Q. Had you met with any of those at all on May 25th?

A. No.

Q. You hadn't seen them at all?

A. No, we worked that day.

Q. Now, will you describe how they happened to come to your house at 9 o'clock in the morning?

A. Being Chairman, naturally, they came to see me along—

Q. No, not naturally.

MR. LAUTER: I move that that be stricken from

the record.

TRIAL EXAMINER LINDSAY: Yes.

Q. Did you tell them to come to your house?

A. No, I didn't.

Q. When they came to your house, did they come and make any statement as to why they come?

A. Yes.

Q. What did they say?

A. We spoke about the strike.

Q. Who spoke?

A. We all spoke about it. What is doing in regard to going back to work; what could be done; what action to take and so on and so forth.

Q. You say the meeting started about 9 o'clock in the morning?

A. Yes, sir.

Q. How long did it last?

A. Oh, about two and a half hours; around there.

Q. These men just dropped in on you or they called you before they came?

A. Some of them called me up before and I asked some of them and I spoke to some of them and told them; and the others came. They said Brown happened to be there.

Q. The men who called you on the phone, did they tell you that they were coming?

A. I suggested to them to come up; I wanted to talk to them. Paul Hoffman was there and at that time they took Brown, and I told the others to come.

Q. How many men came first before you spoke to the others?

A. Nathan Brown and Hoffman.

Q. They came?

A. No.

Q. They called you before they came?

A. No.

Q. They just dropped in?

A. They just dropped in.

Q. About 9 o'clock in the morning of May 26th some time around there, then the other three got in touch with you?

A. The other three called. Burkhart didn't call; he came up. The other two called and I told them to come up.

Q. You started this meeting at 9 o'clock the morning of May 26th and it lasted about two and a half hours?

A. Yes, sir.

Q. What were the concrete actions decided upon at that meeting?

A. Well, we didn't decide much of anything outside of wanting to see Chief Switter about holding a vote in the City Hall. We went and contacted him about it but he talked as if at the present time we was out.

Q. You discussed at that time the means by which the men would return to work?

A. Yes.

Q. You testified about a so-called little meetings that were called which were arranged by this group?

A. Yes, sir.

Q. That was up at the Chamber of Commerce, is that correct?

A. Yes, sir.

Q. Where were those meetings held?

A. They came out to Crystal Lake, my summer resort, that I am running, numerous times. We talked things over out there and we met on the street different times.

Q. This was for the purpose of inducing these men to go back to work, is that correct?

A. Yes, sir.

Q. Now, you talked about an advertisement; advertising about a meeting at Sippo Park, is that correct?

A. Yes, sir.

Q. What was the form that that advertisement took?

A. How?

Q. What was the form that that advertisement took?

A. It was a full page ad that we put in the paper about advertising the meeting that was going to be held at Sippo Park that afternoon.

Q. What was the date of this advertisement, do you recall?

A. If I recall it right, it was the Saturday before the men went back to work that we—

Q. What paper was that placed in?

A. In the Independent; the Massillon paper.

Q. Was any other form of advertisement used?

A. No, outside of telling the different men; contacting the men downtown.

Q. Was that the only advertisement that you placed in the papers?

A. That is, outside of one we put in when we started to sign the petitions.

Q. Did you put a full page ad at that time?

A. Yes, sir, we did.

Q. How many full page ads did you have in the Independent?

A. Two; one for the mass meeting and one for the petition to sign.

Q. How much did those ads cost?

A. That I don't know. I understood it was supposed to be $100.

Q. Were those paid for?

A. That I don't know. The Citizens League was supposed to offer to pay for them.

Q. The Citizens League offered to pay for them?

A. Yes, sir. They told us to go ahead; they will pay for it.

Q. What other expenses did they pay for?

A. Well, they printed these petitions for us, the Chamber of Commerce did.

Q. Yes.

A. Outside of that I don't know of any expense that there was.

Q. Who paid for the insurance that you obtained?

A. The Citizens League was going to pay for that, but it was not taken out.

Q. You didn't take out the $25,000?

A. No. After they wanted more, the following day, why we just dropped that.

Q. Did you make arrangements to take the $25,000, before it was dropped?

A. Yes, we did.

Q. With whom did you make those arrangements?

A. How?

Q. With whom did you make those arrangements?

A. With different insurance agencies. The insurance agency didn't want to take it all upon themselves, so they inquired around about three or four insurance agencies, I believe it was.

Q. Now, did you conduct the negotiations with the Citizens Committee or members thereof, for incurring these various expenses?

A. Yes, sir.

Q. With whom on the Citizens Committee did you carry on these discussions?

A. Well, we met in Mr. Elson Wefler's office.

Q. Who is Elson Wefler?

A. He was the attorney, him and Franklin Maier is connected with him. And J. Lester was there and Mr. Poe.

Q. Mr. who?

A. Mr. Poe, he is at the head of the Ohio Drilling Company, I understand. Mr. Hall from the First Savings & Loan Company.

Q. Mr. Case?

A. Mr. Quinn from the O. P. S. Mr. Shafer was there from the Shafer Lumber Company.

Q. Mr. Case was there?

A. Mr. Case. Mr. Lenham.

Q. How many times did you meet with this group at the Chamber of Commerce?

A. Oh, about a dozen times, I suppose.

Q. Did you meet with them prior to your placing this advertisement in the Independent?

A. You mean before we put the ad in the paper?

Q. That is right.

A. Yes.

Q. And did you discuss with them their incurring the expenses?

A. Yes, sir.

Q. Paying, rather, for the expenses that you incurred?

A. Yes, sir.

Q. That was true in respect to the other advertisement regarding the Back-to-Work Petitions, is that correct?

A. Yes, sir.

Q. And also with respect to the insurance?

A. Yes, sir.

Q. They agreed to pay for all of these expenses?

A. Yes, sir.

Q. Now, you testified about getting certain desks, were those desks immediately available in the office of the Chamber of Commerce?

A. Yes, they were right in the office, we just took one out of the next office they had there and put them together.

Q. Do you recall whether or not those advertisements indicated that the expenses were being paid by the Citizens Committee?

A. That was discussed and they agreed on doing it, paying the expenses.

Q. I am asking you whether the advertisements themselves indicates that the expenses of the advertisements were being paid for by the Citizens Committee?

A. What do you mean by "advertisements"?

Q. Did the advertisement itself indicate anything as to who was paying for it? The advertisement in the paper?

A. Well, that is what they told us, to go ahead and get it.

Q. I am asking you whether the advertisement in the paper indicated who paid for it?

(The last question read by the Reporter.)

MR. DAY: I want to say we are going to produce the advertisement.

TRIAL EXAMINER LINDSAY: Well, he has a right to cross examine him.

MR. DAY: Of course, he has.

A. No, I don't think they did. That was understood with the Independent and the Citizens League.

Q. Well, you testified about a Paul Ryder and Chick Emmel, that they were foremen, that they were active in the Back-to-Work Movement?

A. Yes, to a certain extent they were.

Q. Well, to what extent were they active?

A. Well, they met with us at the meetings and hauled us around in their machines and other small things of that kind.

Q. Well, tell us some of the other small things.

A. Outside of being at the meetings and talking things over with us.

Q. What are the other small things?

A. Chamber of Commerce meeting.

Q. Did they attend the Chamber of Commerce meet-

ing at which arrangements were made for paying for these advertisements?

A. That I couldn't say.

Q. Well, did they attend any of those meetings with the Chamber of Commerce?

A. Yes, they did, yes.

Q. Did they attend any meetings at which the question of paying for the advertisements regarding the petitions was discussed?

A. I couldn't say.

Q. Do you know whether or not they attended meetings at which there was discussion concerning the insurance?

A. That I couldn't say, because Mr. Case and I discussed that among ourselves, at first.

Q. You and Mr. Case discussed the question of paying for these ads?

A. Yes, sir.

Q. Even before the Citizens Committee got together with the Back-to-Work Group?

A. No, not about the ads, but about the insurance.

Q. About the insurance?

A. Yes, Mr. Case said it would be taken care of.

Q. Did these foremen take you to the homes of various men?

A. What?

Q. Did these foremen take you to the homes of various employees?

A. No.

Q. What were their machines used for?

A. To go over there to see the sheriff, and then we took down to the Workhouse, we had to drive around before we could find him. And to go to different meeting places that we—where we had our meetings, out at Willowdale and then once they had a meeting out in the country at some party's farm.

Q. Whose farm was that?

A. Clyde Christy.

Q. Clyde what?

A. Clyde Christy.

Q. Who is Clyde Christy?

A. He was a catcher, I believe, in the sheet mill or something of that kind.

Q. Was he interested in the Back-to-Work Movement?

A. Yes.—Well, he was.

Q. Was he one of the 16?

A. No, no.

Q. How does it happen that a meeting was held out there?

A. That I couldn't say. I was told one morning that there was going to be a meeting held and they wanted me to come there. I didn't know a darn thing about it until this party came out there and got me.

Q. Who came out and got you?

A. Fred Becker.

Q. Was either Paul Ryder or Chick Emmel at that meeting?

A. If I can recall it right, Paul Ryder was there but not Chick Emmel.

Q. Did you go out to that meeting with Paul Ryder?

A. No, I was in another machine.

Q. Did Paul Ryder —

A. That Sam Schilling drove.

Q. Did Paul Ryder speak at that meeting?

A. There wasn't much speaking done. I done most of the speaking.

TRIAL EXAMINER LINDSAY: Just a minute. Answer the question, please.

(The last question was read by the Reporter.)

A. Not that I know of.

Q. Do you recall his speaking in any of these meetings?

A. Yes, at one of the meetings. At Willowdale he spoke.

Q. Where was that meeting held at Willowdale? Where in Willowdale was that held?

A. Where? Right close to the big hall there that they have got in the park.

Q. An outdoor meeting? Was this an outdoor meeting?

A. Outdoor, yes.

Q. About how many people were present there?

A. About four—350 or 400, around there.

Q. What did Paul Ryder have to say?

A. Well, he talked in regards to the way they were kept out of the plant and that so many men came to him, wanted to know if anything could be done about getting back to work.

Q. Did he speak about making arrangements for going back to work?

A. He spoke on that line.

Q. How long did he speak there?

A. How long?

Q. That is right, how long?

A. Oh, maybe five minutes.

Q. Now, what did Chick Emmel do? Was he present there at that meeting?

A. Yes, sir, he was.

Q. Did he speak?

A. Not that I can recollect.

Q. At what meetings did Chick Emmel speak?

A. I don't know that he spoke on any of them.

Q. You don't remember a single meeting at which Chick Emmel spoke?

A. I don't. I do not.

Q. Do you remember any other meetings at which Paul Ryder spoke, other than the Willowdale meeting?

A. If I can recall it right, I believe he spoke at Sippo Park, that meeting we had.

Q. Where was that meeting held at the park, was that an outdoor meeting?

A. Outdoor meeting, yes, sir.

Q. How many were present there?

A. What?

Q. How many were present there?

A. About 650 to 700.

Q. How long did that meeting last?

A. Oh, about two hours or a little longer.

Q. Who spoke at that meeting?

A. I did.

Q. Who else?

A. Fred Becker. Fellow by the name of Shriber from Union Drawn Steel, and a fellow by the name of Murphy, I believe, if I am sure, from Union Drawn Steel.

Q. Do you know what Murphy and Shriber's positions are at Union Drawn Steel?

A. No, I don't. I couldn't tell you.

Q. Do you know whether or not those are foremen?

A. No, he is not a foreman because he was a representative down there and he couldn't have been a foreman.

Q. Who was representative down there?

A. Mr. Shriber.

Q. How about Mr. Murphy?

A. I couldn't tell you that.

Q. Who was the other person who spoke besides yourself? Paul Ryder and who else?

A. Mr. Ryder, myself, Mr. Shriber, Mr. Murphy.

Q. You named one other person?

A. Fred Becker.

Q. What is Fred Becker's position?

A. Metallurgist.

Q. How long did Mr. Paul Ryder speak?

A. Oh, about three or four minutes.

Q. What did he have to say?

A. In regards to the same line of getting back to work.

Q. Making arrangements for going back to work?

A. Not making arrangements, but of trying to urge the men along, that wanted to get back to work.

Q. Urging men to get back to work?

A. Yes, to help.

Q. What other meetings did Paul Ryder speak at, besides at Sippo Park and Willowdale?

A. I don't know of any others.

Q. Was he present at the meeting at City Hall?

A. Yes, he was present.

Q. What did he do there?

A. He was one of the committees when we went in to see the chief and the mayor, at that meeting, the first meeting that was held.

Q. Did he speak at that meeting?

A. He didn't have much to say.

Q. Did he speak at that meeting?

A. No, he did not.

Q. Didn't he say a word?

A. Not at the meeting. There wasn't practically anything said at all, at the meeting. After we came out of the chief and mayor's office why we had the chief and the mayor to talk to the men.

Q. Well, did he speak to the chief and the mayor at the conference which you held with the chief and the mayor?

A. He might have asked them a few questions, when we were asking.

Q. Do you remember what they were?

A. No, I don't.

Q. Well, state what activities, what he said or what he did at any time during that day when that conference was held at City Hall?

A. Well, Fred Becker and Johnny Walsh and I done most of the talking.

Q. What did Mr. Paul Ryder do?

A. He attended that meeting, he was there.

Q. What did he say?

A. I could not tell you that.

Q. You don't remember?

A. I don't remember if he said anything.

Q. What other activities were there by Mr. Paul Ryder, apart from what you have already related, namely his attendance and speaking at the meeting at Sippo Park, Willowdale and attending the City Hall Meeting, also driving around in his machine on various occasions?

A. He attended some of the Citizens League meetings with the Chamber of Commerce.

Q. In other words, he participated in this Back-to-Work Movement just the way the rest of the 16 did, is that right?

A. Just to a certain extent.

Q. Do you know how the Citizens Committee was formed?

A. It came about through the Chamber of Commerce.

Q. Well, do you know anything about the initiating—the initial stages?

A. It happened at the time when that priest spoke at Washington Heights.

Q. Do you know who organized the Citizens Committee?

A. That is when it started, yes.

Q. Do you know who organized it?

A. I think the Chamber of Commerce done it.

TRIAL EXAMINER LINDSAY: Well, if you don't know, don't tell us what you think.

A. That is as close as I can recollect.

Q. You testified that petitions were signed in the Chamber of Commerce office?

A. Yes.

Q. Were they signed any other place?

A. Not those last petitions.

Q. Well, any petitions? Any Back-to-Work petitions?

A. Those that we started were signed on the street, and some fellows went to the houses and we signed them wherever we met anybody, we asked them to sign the petition. They had those in the middle of June.

Q. Did Mr. Paul Ryder help you with getting those petitions up?

A. Not that I know of.

Q. Was he active with the committee at the time that the petitions were gotten up?

A. He met with us but he didn't take much action in regards to—

Q. Well, whatever action your committee took, he was present when that action was taken, is that correct?

A. At some of the meetings. Not all of them.

Q. He was present at those meetings at which action was taken on Back-to-Work petitions, wasn't he?

A. Most of those meetings were held on the street.

Q. Was he or wasn't he present at meetings at which action was taken on Back-to-Work petitions?

A. Well, at some of them, yes.

Q. Can you fix the date when he first became active?

A. I could not.

Q. Fix it as nearly as you can?

A. Well, that is a hard thing to do.

Q. Well, was it before the strike or the day after or June or July?

A. No, it was around the middle of June.

Q. Do you know how he became active? I mean, did he come to you or did you call for him or what?

A. No. They had a committee appointed, Chick Emmel, him and Johnny Walsh, Fred Becker, and they came and contacted with us. We had already met in regards to that.

TRIAL EXAMINER LINDSAY: Just a minute, read the answer.

(The last answer read by the Reporter.)

Q. You say he had a committee appointed?

A. I won't say that Paul Ryder did.

Q. Who did?

A. He and Chick Emmel were a committee that came in contact with us when we first started with the petitions.

Q. Did that committee have any name?

A. How?

Q. Did that committee have any name?

A. No.

Q. Do you know how it was formed?

A. No, they just met on the street and came and met with us.

Q. Do you know when it was formed?

A. Around the middle of June.

Q. You say they started to meet with you when you started to get up the Back-to-Work petitions, is that correct?

A. Yes.

Q. You say they had already met with you? What do you mean by that?

A. I didn't say that.

Q. Well, I got the impression that you said that prior to that time they had met with you, is that correct or isn't it? That is, prior to the time when you started to get up the Back-to-Work—

A. That was after the middle of June.

Q. Did they start meeting with you at or about the time when you started to get out the Back-to-Work petitions? Is that correct?

A. Yes, sir.

Q. And they assisted you in that work?

A. Yes.

MR. LAUTER: That is all.

Redirect Examination

Q. (By Mr. Day) I wanted to ask you one question. I notice on these petitions here that the Examiner has under advisement, there are some numbers after the men. What are those numbers?

A. Check numbers.

Q. Check numbers?

MR. DAY: That is all, sir.

(Discussion held off the record.)

(Witness excused.)

LLOYD G. HERSHBERGER

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Day) What is your name, please?

A. Lloyd G. Hershberger.

Q. Is that Lloyd George Hershberger?

A. Yes, sir.

Q. Where do you live?

A. 917 Concourse, S. W., Canton.

Q. In Canton?

A. Yes, sir.

Q. Where are you employed, Mr. Hershberger?

A. Time department, Republic Steel, Canton.

Q. How long have you worked at Republic Steel?

A. About four years.

Q. Were you working on the night of May 25th, 1937?

A. Yes, sir.

Q. What happened that night?

A. Do you mean—

Q. Well, was that the night of the strike?

A. The night—

Q. Was that the night of the strike?

A. Well, there was —

Q. No, I am just asking you. There is no dispute about it. It was the night of the strike, was it?

A. Yes, sir.

Q. How long did you keep on working there after that?

A. Until the night of the 30th of June. No, I beg your pardon, I think it was the 24th of June.

Q. And did you leave at that time?

A. I did.

Q. Will you please describe the circumstances under which you left the plant?

A. Well, I wanted to go home and I felt that under the conditions it wasn't safe for me to go home without protection.

MR. LAUTER: I object to this statement "not safe for me to go home".

TRIAL EXAMINER LINDSAY: Yes.

MR. DAY: Will you step up here a minute?

(Consultation held, off the record.)

(The last question was read.)

A. My son was sick, had been for some time, became quite serious and the doctor thought that—

Q. Not what the Doctor thought. Was there any

communication of any kind between any member of your family and yourself, while you were in the plant?

A. Yes, sir.

Q. By what means?

A. By telephone up until the time that the wires were cut. And then by letter.

Q. Now, on the night of the 24th of June that you said you left the plant—

MR. LAUTER: I object to "up until the time that the wires were cut" and move it be stricken.

TRIAL EXAMINER LINDSAY: Yes, that is stricken.

Q. On the night of the 24th of June when you left the plant, state whether or not anybody got in communication with you.

A. Yes, sir, I talked to her by telephone.

Q. Your wife?

A. Yes, sir.

Q. Now, what if anything did she tell you about any condition existing at home?

A. I talked to her twice that day. The first time she said the boy was very sick; his temperature was up to 104; and I told her I would come home if I could. I called her later again in the evening and she said the child specialist had been out. They were going to have a consultation that evening. The doctor would be back again in the morning. They said she [he] would have to be taken to the hospital.

Q. After you got that message did you take up the matter with anyone in the mill?

A. I did.

Q. Whom?

A. With the Chief Clerk and—the Chief Clerk in the Superintendent's office.

Q. What is his name?

A. Fred Werner.

Q. Afterwards state whether or not you left the mill.

A. Yes, I did.

Q. Where did you go?

A. I went home.

Q. By what method did you go home?

A. I might say I had talked to Werner about two days before about going home. He asked me if I wanted to go home then and I said: "No, I don't want to go today." I said I wanted to know if means could be provided to take me home if it became absolutely necessary to go home. Then on the night of the 24th I went up to his office and I told him the boy was worse. I asked him if I could go. He asked me if I wanted to go right away. I said: "No; it is not necessary to go immediately." I said: "But I would like to go home immediately." He said: "Just wait a minute; wait a little, we will have to make arrangements to go out in the police cruiser." Then he called, and he came back out again; I would say five or ten minutes and said a police cruiser was coming and bringing a representative from the Governor's office. He said if it was all right if I could wait and I said: "Yes." I waited until they came in, and took the representative from the Governor's office out, and they took me home.

MR. DAY: I think that is all.

Cross Examination

Q. (By Mr. Lauter) Do you know who the representative of the Governor's office was?

A. He was the Captain of the National Guard but I don't recall his name.

Q. What kind of work do you do in the plant?

A. Well, practically any work that goes in connection with timekeeping. Do you want me to go into details?

Q. What plant is that?

A. At the present time?

Q. Yes.

A. The Canton plant.

Q. The Canton plant?

A. Yes.

Q. During the time that you stayed in the mill after May 25th until June 24th, how many hours a day did you work?

MR. DAY: I want to object to this on the ground that it is not within the scope of the direct examination and under no circumstances is it proper cross-examination.

TRIAL EXAMINER LINDSAY: Objection overruled. Note an exception.

MR. DAY: Exception.

MR. LAUTER: Will you read the question?

(The last question was read.)

A. Well, I can't say exactly; I didn't keep a record. Some days more than others.

Q. You were timekeeper?

A. Yes, sir.

Q. And you don't keep a record of your own time?

A. Yes, sir.

Q. Any approximate idea how many hours you averaged?

A. Well, some days, sometimes 10, and sometimes 12.

Q. How much did you get paid for?

A. You mean—may I ask a question? You mean under normal conditions or under the strike?

Q. I mean the period that you were in the mill.

A. From May 25th until June 24th?

Q. Yes, from May 25th until June 24th. When you were in the mill is the period we are discussing. Can you give us some idea of the average number of hours?

A. I would say the average number of hours can't be over 8 or 10.

Q. How many hours did you get paid?

A. I got paid by the month.

Q. Did you get paid for more than 8 or 10 hours?

A. No.

Q. Sure of that?

A. I said I got paid by the month regardless of how many hours I put in.

Q. Did you get the same pay that you received prior to the strike?

A. Yes, sir.

Q. What is your pay?

MR. DAY: I object to that; I don't think it is material.

MR. LAUTER: I withdraw the question, Mr. Day.

MR. DAY: All right then. I will withdraw the objection.

Q. When did you return to the mill again?

A. On the morning of July 2nd.

Q. How did you happen to return on that day?

A. Because that was the day following when the National Guards were in giving protection, and the men going back, and I read in the paper that on Thursday morning, I believe it was, that the men were going back and I called in to find out whether they were going back and forth, and they did, and I went in that morning.

Q. Who informed you?

A. I beg your pardon?

Q. Who informed you that they were going to work?

A. I am not quite sure. I talked to a couple of men. I tried a number of times to get somebody on the telephone; I am not absolutely sure who it was.

Q. Who was your foreman?

A. Frank Jones.

Q. Did you speak to him?

A. Yes.

Q. What did he say?

A. I asked him whether I could go in with him in

the morning, or whether he was driving so I could ride in with him. He said he was going in with another party, and I don't remember just what man was that. After that I called Carl Glepenstein.

Q. Yes. You had a conversation with him?
A. He said I could. I met him at Walnut.
Q. Whom did you meet?
A. What.
Q. Whom did you meet?
A. I met him.
Q. Who?
A. Carl Glepenstein.
Q. What is his position?
A. He works in the cost department.
Q. Was Frank Jones going in with Glepenstein?
A. No, sir.
Q. Did you go in with Glepenstein?
A. Yes, sir.
Q. On July 2nd?
A. Yes, sir.

Q. Now, it is not clear to me the conversation that you had with Frank Jones. Will you repeat that again, please?

A. I told him I wanted to go back in again, and I asked him if I could go with him, if he was driving, if I could drive along with him. I didn't want to walk. He said he was riding with another party—so I think that was about the end of the conversation.

Q. Did he suggest to you about speaking to anybody else about getting into the mill?

A. I can't say that I recall.
Q. Do you recall Glepenstein?
A. I do.
Q. Did you call him at Jones' suggestion?
A. What?
Q. Did you call him at Jones' suggestion?

A. Yes, sir.

Q. Then you drove in with Glepenstein, is that correct?

A. That is right.

Q. Did Jones tell you whom he was taking in?

A. I beg your pardon?

Q. Did Jones tell you whom he was taking into the mill?

A. He wasn't taking anybody in.

Q. He said he was driving in with another party?

A. No, he was going in with another party; another party was driving.

Q. Did he tell you who that other fellow was?

A. Clem Adair, I believe.

Q. Do you know his position in the mill?

A. Yes, he works in the cost department.

Q. Jones was the foreman of this man?

A. Yes, sir.

MR. LAUTER: That is all.

THE WITNESS: (Continuing) That is, he is a foreman over Adair, not over Glepenstein.

(Witness excused.)

TRIAL EXAMINER LINDSAY: We will take a short recess.

(Recess had.)

ROOSEVELT BROWN

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Day) Will you state your name, please?

A. Roosevelt Brown.

Q. Is your first name Roosevelt?
A. Theodore Roosevelt Brown.
Q. Where do you live?
A. 1427 Second, S. E.
Q. Canton?
A. Yes, sir.
Q. Do you work for Republic?
A. Sure.
Q. How long have you worked for Republic?
A. Four years.
Q. What is your job there?
A. Grinding.
Q. What plant did you work in there?
A. I beg your pardon?
Q. At what plant did you work?
A. What?
Q. What shop; what plant?
A. Department 5; billet shift.
Q. The main plant?
A. I beg your pardon?
Q. The rolling mill?
A. No, the grinding department.
Q. The grinding department?
A. Yes.
Q. Were you in there when the strike was called?
A. Yes.
Q. How long did you stay in?
A. 28 days.
Q. When did you leave?
A. I believe June 22nd.
Q. Now, on the day that you left, just tell us the circumstances. What happened the day you left?
A. Well, I had a telegram from my sister in Washington, D. C. that she was on the point of death.
Q. What did you do then?
A. Well, I notified the Superintendent.

Q. Which Superintendent?

A. Mr. Hopkins.

Q. Did you talk to anybody else at the plant outside of Mr. Hopkins?

A. Not concerning going away.

Q. Well, what took place between you and Mr. Hopkins? What happened?

A. Well, I told him the condition, that I received a telegram from my sister in Washington that she was on the point of death, and I would have to go out under some conditions. Well, I didn't know how I was going to get out and he said he was sorry to hear the sad news, and I said I was going some way, and he told me to go ahead but be careful.

Q. And did you get out?

A. Yes.

Q. How did you get out?

A. Under police protection.

Q. How did you get the police protection?

A. Well, they sent me out from the office—from the employment office.

Q. Did you get home?

A. Yes, sir.

MR. DAY: I believe that is all.

Cross Examination

Q. (By Mr. Lauter) Did you say that Mr. Hopkins didn't know how you were going to get out?

A. Well, I told—I stated the condition.

TRIAL EXAMINER LINDSAY: Just a minute. Read the question.

(The last question was read.)

A. He asked me how I was going to get out. I told him I was going to get out anyhow.

Q. Did you ask him to arrange for your getting out?

A. No, I didn't.

Q. When did you have this conversation about getting out?

A. June 22nd.

Q. Is that the day that you got out?

A. Yes, sir.

Q. Where did you speak to Mr. Hopkins?

A. I beg your pardon?

Q. Where did you speak to Mr. Hopkins?

A. Down in the plant.

Q. How long did the conversation take?

A. Just a few minutes. I guess it only took that long because I was in a rush to get out.

Q. What did he say to you?

A. I told him that I received word from my sister in Washington that she was on the point of death; that the telegram was for my mother to come down. I had to get out at once. I didn't ask him to arrange for anything. I went to the employment office. The employment arranged for me to get out.

Q. Didn't Mr. Hopkins say when you told him you had a telegram—what did he say when you told him you wanted to get out?

A. Well, he said he was sorry to hear the sad news and to go ahead.

Q. Was it at that time that he said he didn't know how you were going to get out?

A. He asked me how I was going to get out and I told him I was going out.

Q. He asked you how you were going to get out?

A. Yes; I imagine he was going to arrange—

Q. Don't tell us what you imagine.

TRIAL EXAMINER LINDSAY: Will you read that question and answer?

(The last question and answer were read.)

A. He asked me how I was going to get out.

MR. LAUTER: I move to strike out what the witness imagines.

TRIAL EXAMINER LINDSAY: Yes. That may be stricken from the record.

Q. At that time, Mr. Hopkins asked you or said to you that he didn't know how you were going to get out?

A. That is correct—

Q. Is it not correct?

A. No.

Q. Now, what did he say?

A. He asked me how I was going to get out and I told him I would get out.

Q. Now, what did he say to you?

A. I told him I would get out.

Q. Did you ask him to make arrangements to get out?

A. No.

Q. Did he suggest to you that he would make arrangements to get you out?

A. No, I didn't get time.

Q. You didn't get time for what?

A. To make arrangements.

Q. Did he suggest to you that he would make arrangements to get you out? Didn't he tell you that?

A. I don't remember if he did or not. To be fair, I was kind of excited; maybe he did. I know he would have anyhow.

MR. LAUTER: I object to "I know he would have anyhow" and ask that it be stricken from the record.

TRIAL EXAMINER LINDSAY: Yes. That may be stricken.

Q. Then whom did you go and see after you spoke to Mr. Hopkins?

A. Well, I caught a few thoughts and I went up to the main office.

MR. LAUTER: I object to what the witness

caught a few thoughts and ask it be stricken from the record.

TRIAL EXAMINER LINDSAY: Yes. That may be stricken.

Q. Where did you go?

A. To the main office.

Q. Whom did you speak to there?

A. Mr. Ake; and the General Superintendent.

Q. The General Superintendent?

A. Yes.

Q. Who is the General Superintendent?

A. I can't just recall his name right now.

Q. Did you tell Mr. Ake and the General Superintendent about your conversation with Mr. Hopkins?

A. Yes.

Q. Did you tell them that Hopkins asked you how you were going to get out?

A. No, that wasn't mentioned.

Q. You didn't say a word about that to them?

A. No.

MR. LAUTER: That is all.

Redirect Examination

Q. (By Mr. Day) What did you tell Mr. Ake and the General Superintendent?

A. I told him I received a telegram from my mother in Washington that my sister was on the point of death and to come at once.

Q. What did they say then?

A. Well, I asked him to arrange to be left out, before they had time to say anything I asked them to arrange because I hadn't any way of getting out; there was so many pickets outside.

Q. What did they say?

A. They said they would arrange.

Q. How long after that did you leave?

A. What?

Q. How long after that did you leave the plant?

A. I imagine it was a half an hour or so; I didn't notice the time.

MR. DAY: That is all.

Recross Examination

Q. (By Mr. Lauter) Did you try getting out during the hour and the half hour that you referred to?

A. What?

Q. Did you try getting out during that time?

A. All I tried—

Q. Yes.

A. I made only an effort.

Q. Did you try?

A. Yes, I made one effort to get out on the train.

MR. LAUTER: That is all.

(Witness excused.)

DALLAS L. HOSTETLER

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Ketterer) What is your name?

A. Dallas L. Hostetler.

Q. You live in the City of Canton?

A. That is right.

Q. What is your occupation?

A. I am Secretary of the Canton Chamber of Commerce.

Q. How long have you been Secretary of the Canton Chamber of Commerce, Mr. Hostetler?

A. About three years.

Q. Are you connected with the Chamber of Commerce during that period?

A. Yes, sir, I was.

Q. For what period have you been connected with the Chamber of Commerce?

A. I have been associated with the Chamber of Commerce for 12 years.

Q. As Secretary?

A. Yes, sir.

Q. Were you Secretary in May, 1937?

A. Yes, sir.

Q. I will ask you, Mr. Hostetler, whether or not you recall having a meeting with the employees of the Republic Steel Corporation in May, 1937?

A. I do.

Q. Where was that meeting?

A. The meeting was held at our office.

Q. Can you tell us approximately the date of the meeting?

A. The date of the meeting was either Friday afternoon, May 28th, or Saturday, May 29th. Saturday morning, May 29th.

Q. Now, who was present at that meeting, if you know?

A. There was present at that meeting a committee of Republic Steel employees. The Chairman of which was a Mr. Geltz. Included in which were a Mr. Teeter, a Mr. Deffenbaugh, and four or five other gentlemen whose names I don't recall.

Q. Had you ever seen any of those men prior to that time?

A. Not to my knowledge.

Q. Now, did you have any conversation with them there on that day?

A. I did.

Q. Now, give us the substance of the conversation that you had with these men in your office on that day?

A. The gentlemen who came to our office stated that they were a committee of Republic Steel Employees and that they represented at least 3500 Republic Steel employees whom they knew wanted to return to work. They asked us whether they might devise some means of taking a vote among the Republic Steel employees in Canton to determine how many wanted to go back to work, how many did not or rather to prove their point that they did represent 3500 employees whom they definitely knew did want to go back to work.

Q. Now, going back just a moment. Do you recall of an attempted election at the City Hall a day or so after the strike in the city of Canton?

A. Yes.

MR. LAUTER: I object to that question as leading the witness.

TRIAL EXAMINER LINDSAY: Yes, I will sustain that objection.

MR. KETTERER: All right, I will withdraw the question.

Q. You may state whether or not, Mr. Hostetler, you recall of any attempted election at the City Hall in the city of Canton a day or so after the strike?

MR. LAUTER: I renew my motion.

TRIAL EXAMINER LINDSAY: Yes, I will sustain it.

(On the record.)

Q. (By Mr. Ketterer) Mr. Hostetler, what, if anything, took place?

TRIAL EXAMINER LINDSAY: Just a minute.

MR. KETTERER: I will withdraw that question, your Honor, and strike that. Consent to that.

Q. (By Mr. Ketterer) Mr. Hostetler, do you recall of any occurrence at the City Hall prior to this meeting

that took place in your office?

A. Well, in following our conversation with the committee, the committee pointed out that a strike had been called at the Republic Steel Corporation at Canton on May 25th and then at a day or two later—if I may refer to my notes—on Thursday May 27th they advised me an attempt had been made to hold a strike vote at the City Auditorium in Canton.

MR. LAUTER: Excuse me, I want to object to what they advised this witness.

TRIAL EXAMINER LINDSAY: Yes, and that "strike vote" that is out.

Q. (By Mr. Ketterer) Was this a part of the conversation, Mr. Hostetler?

A. This was part of a conference, because they were trying to convince us that there was something to be done here in the city.

MR. LAUTER: Object to what they were trying to convince this witness of, move that it be stricken out of the record.

TRIAL EXAMINER LINDSAY: That is stricken out of the record.

Q. (By Mr. Ketterer) I will ask you to state, Mr. Hostetler, whether these men told you at that time that this vote was to determine whether or not they wanted to go back to work

A. That is right.

MR. LAUTER: Object to that question as leading; I move the answer be stricken.

TRIAL EXAMINER LINDSAY: Well, it should be, but I will let it stand. Let the record show an exception.

MR. LAUTER: Exception.

Q. (By Mr. Ketterer) Now, will you proceed with the conversation that you had with these men there at this conference in your office?

A. Beginning again with the motive of their visits at our office—

MR. LAUTER: I object to what the motive at their office was.

TRIAL EXAMINER LINDSAY: Yes, that is stricken out of the record. Now, listen, Mr. Witness, you are under oath.

THE WITNESS: That is right.

TRIAL EXAMINER LINDSAY: And quit putting in things as to your ideas. You can only tell what the facts are and what transpired. Now, we do not care anything about your theory in this case. Well, then, leave your theories out of your answers.

(The last question read by the Reporter.)

MR. LAUTER: Did you fix the time of that conference? If so, I do not recall it.

MR. KETTERER: I think he did, either Friday afternoon or Saturday.

TRIAL EXAMINER LINDSAY: On the 28th or 29th.

MR. KETTERER: The 28th or 29th?

MR. LAUTER: Thank you.

A. Mr. Geltz and his committee told us that an attempt had been made to hold a vote at the City Auditorium and that that particular vote had been picketed and that the mayor of the city of Canton had cancelled or discontinued or stopped the voting at the City Auditorium because of that fact. "Therefore," they said, "we are asking you whether the Chamber of Commerce can by any means take a vote of Republic Steel Employees to determine whether or not a majority of the employees want to go back to work or want to strike."

TRIAL EXAMINER LINDSAY: Now, the last part "or want to strike" is out of the record. The strike was already called and in existence for three or four days.

THE WITNESS: I should have said "or wanted to continue the strike."

TRIAL EXAMINER LINDSAY: Well, what you should have said and what they told you are two different things. Now, you were talking about a conversation.

THE WITNESS: I can't quote them exactly, Mr. Examiner.

TRIAL EXAMINER LINDSAY: Well, if you can't quote them exactly, don't try to fill in with what you wish to put over here as perfect English.

Q. Now, Mr. Hostetler, following that conference what, if anything, did you do?

A. I called a meeting of—I asked our president to call a meeting of our Board of Directors.

Q. And was such a meeting had?

A. Yes, sir.

Q. What, if anything, did the Board of Directors decide to do in that connection?

A. The Board of Directors had a meeting on Saturday evening, immediately following our conference with these gentlemen, Saturday morning. May I refer to my notes for the date?

TRIAL EXAMINER LINDSAY: Well, that is—

A. Well, anyway, Saturday, immediately after these gentlemen had been to our office. That meeting was held at our office. The sole purpose of it was to decide whether or not we should take action upon the request that that particular committee had made of us, and if we decided to take action upon that request, what procedure we should follow in carrying out the request.

It was decided at that meeting of our Boa d of Directors that a poll by mail, by secret ballot, should be made of all Republic Steel employees in Canton, the poll to be made by sending a first class envelope to each Republic Steel employee in Canton, enclosed in which was a letter ex-

plaining why we were taking such a poll, and at the bottom of which was a ballot on which they might vote and vote to go back to work or to vote to stay out or "I do not care to cast my ballot." Something of that nature.

Q. Now, what, if anything, did you do following that action by the Board of Directors?

A. I contacted Mr. Carl Meyers of the Republic Steel to ask him whether or not the Canton Chamber of Commerce might secure from him a certified list of the names and addresses of all Republic Steel employees in Canton.

Q. And what did Mr. Meyers tell you, if anything?

A. He asked me why I wanted it and I told him of the action of our Board of Directors.

Q. Now, I will ask you, Mr. Hostetler, whether or not, up to that time, you had had any contact with respect to this vote, with any executive or officer of the Republic Steel Corporation?

A. Not up to that time, I had not.

Q. Now, what, if anything else did Mr. Meyers say?

A. Well, he suggested that in addition to getting his views on the matter that I probably should discuss it also with officials of his company at Cleveland.

Q. And did you go to Cleveland then?

A. I did.

Q. And when was that?

A. I went to Cleveland on Sunday, May 30th.

Q. And with whom did you talk when you went to Cleveland?

A. I talked with Mr. Voss.

Q. Of the Republic Steel Corporation?

A. That is right.

Q. Now, what conversation did you have with Mr. Voss in a general way about this?

A. Well, I told him of the visit we had at our office by Republic Steel employees committee, I told him of the action taken by our board of directors, then I re-

peated my request for a list, a certified list of the names and addresses of Republic Steel employees.

Q. What, if anything, did Mr. Voss say as to giving you that list?

A. He said he thought he would be able to provide it for me.

Q. Now, did you have a proposed form of ballot with you then?

A. I did have.

Q. And what, if anything, did you do with that?

A. I showed him a copy of the letter and the ballot which we proposed to mail to employees of this company.

Q. And after you showed it to him, what, if anything, did you do with it?

A. I told him that I would need to know how many such letters and ballots I would have to have printed. And I also told him that we were very anxious to have the ballots printed outside of the city of Canton for two reasons, one of which was so that the ballot might not be duplicated or counterfeited so easily, and secondly so that it would not be possible for any employees of the Republic Steel Company to know of the vote being taken until they received their ballot in the mail.

Q. All right, what further conversation did you have with Mr. Voss then?

A. I asked Mr. Voss whether he knew of a printer in Cleveland to whom I might go, to have the ballots printed.

Q. And what did he say?

A. And he told me he might call several printers and see whether he could locate a printer who might be available over the holiday to do the work I had to do.

Q. And did he locate a printer?

A. He did locate a printer.

Q. Well, then, what if anything did you do with the ballot, after a printer was located up there that day?

A. I went to the printer's shop, his workshop and gave him the copy of the ballot and of the letter, and discussed with him the fact that it was a job which had to be done in a hurry, and a job which we were particularly anxious could not be duplicated.

Q. Now, who, if anybody went with you to the printer's establishment up in Cleveland?

A. A young man who was employed by the Republic Steel Corporation took me to the printer's place of business.

Q. Did anybody go in there with you?

A. The young man — I do not recall whether the young man went in with me or not.

Q. Now, did you have those ballots prepared?

A. Yes.

Q. Do you have a copy of that letter and the ballot with you?

A. I do.

Q. May I have it, please?

MR. KETTERER: Mark that, please.

(The document above referred to was marked as Respondent's Exhibit No. 16 for identification.)

MR. KETTERER: Does your Honor wish to examine it before we have testimony?

TRIAL EXAMINER LINDSAY: Yes, I would like to see it.

MR. KETTERER: I will hand you, Mr. Hostetler, a paper which has been marked with the identification of Respondent's Exhibit No. 16 and ask you if you can tell us what that is.

A. That is the official letter written by the Canton Chamber of Commerce to all employees of the Republic Steel Corporation, at the bottom of which is one of the official ballots used in the mail election or mail vote.

MR. KETTERER: We offer this in connection—

TRIAL EXAMINER LINDSAY: Strike out that word "election."

MR. KETTERER: I beg your pardon?

MR. LAUTER: I object to it on the ground incompetent, irrelevant and immaterial.

TRIAL EXAMINER LINDSAY: I am inclined to take the exhibit under advisement.

Q. Now, do you recall when it was that you received those letters from Cleveland; the attached ballots?

A. They were delivered to us by the printer on the morning of Monday which was Memorial Day, or the 31st of May.

Q. Now, who was it that brought these ballots to your office, if you know?

A. I don't recall who brought them to our office.

Q. Now, Mr. Hostetler, what if anything was done with these ballots after they were received in the Chamber of Commerce office?

A. Those ballots were in our offices and we called the Republic Steel Headquarters asking them to make available to us a staff of girls and men in sufficient number to fold and enclose, stamp, and seal all of the votes; all of the ballots that were to be mailed out.

Q. When was that done?

MR. LAUTER: I beg your pardon. Will you read that answer?

(The last answer was read.)

MR. KETTERER: Now, will you read my question?

(The last question was read.)

A. That was done on Monday, May 31st.

Q. How many ballots were mailed out?

A. Approximately 6500.

Q. Do you have the exact number?

A. I do have, yes.

Q. Will you tell us the exact number that were mailed out?

A. The official report of the judges of the balloting provides that number exactly.

Q. By the way, Mr. Hostetler, in connection with this plan of voting, was there any arrangement made as to the manner of counting the ballots after they were returned?

A. Yes, the arrangement was that we were immediately to get a committee of three judges for this voting, said committee to be composed of clergymen of the City of Canton; said committee to begin immediately its work of supervising, not only of the mailing but all other processes incident to the voting.

Q. Who were on that Committee?

A. On that Committee was Rev. O. C. Mees, of the Martin Lutheran C urch. Rabbi Charles T. Latz of McKinley Avenue Temple; and Father Rothenberger of St. Benedict's Catholic Church.

Q. Now, were any of those clergymen present at the time these ballots were being mailed out?

A. They were.

Q. And during what period of time were they present?

A. Well, I would say between the time that all three clergymen and myself, that there was always one or two of us on hand while the ballots were being prepared for mailing.

Q. Did you receive a certified list of employees from the Republic Steel Corporation; employees in the City of Canton?

A. I did.

Q. When in respect to the time that this mailing proposition was started?

A. I can't tell you. I don't remember the date.

Q. Now, what was done with these ballots when they were returned?

A. When the first ballots began gathering, we placed them immediately in our safe, and when they grew to sufficient number within a day or two we packed them in a box and sealed them, and took them and put them in the safety deposit vault of the Harter Bank; and I delivered other subsequent ballots as they were received.

Q. Now, in connection with the original mailing of those ballots, what is the fact as to whether the employees of the Canton Tin Plate were originally omitted?

A. I believe that the employees of the Canton Tin Plate Corporation were originally omitted from the list submitted to us, but the error was discovered within several days, and ballots were sent to all Canton Tin Plate employees on the certified list made available to us by the Republic Steel Corporation.

Q. Now, can you tell us the date upon which these ballots were counted?

A. These ballots—these ballots were counted on June 7th, I believe.

Q. Who was present when that count was made?

A. The staff of girls and the three clergymen and myself and perhaps a few of our own office employees.

Q. Where was that done?

A. It was in our office.

Q. Now, do you have the result of that counting available?

A. Yes, sir.

Q. May I see that, please?

A. Yes, sir.

(The witness hands a paper to Mr. Ketterer.)

MR. KETTERER: May I have this marked as Respondent's Exhibit No. 17 for identification?

(Thereupon the document above referred to was

marked Respondent's Exhibit No. 17 for identification.)

Q. I hand you here a paper that has been identified as Respondent's Exhibit No. 17 for identification and ask you if you can tell us what that tells?

A. That is the official report of the three clergymen who consented to serve as judges in the voting taken by the Canton Chamber of Commerce of Republic Steel employees and gives results of that particular voting.

MR. KETTERER: We offer this in connection with the testimony of Mr. Hostetler.

MR. LAUTER: Objection on the ground that it is incompetent, irrelevant and immaterial and outside of the case. I want to object further to any inquiry along this line on the ground that it is outside of the scope of the issues in this case and in no way related to it. Whether a vote was taken has nothing to do with the issues in this case. The characterization of this witness as the result being official means absolutely nothing except that he thinks it is official.

MR. DAY: May I suggest that we continue our evidence on this? The transaction won't take much longer and then we will have the whole matter passed on.

TRIAL EXAMINER LINDSAY: I am going to take the admissibility of Respondent's Exhibit 17 under advisement.

THE WITNESS: Can you permit me to make a statement?

TRIAL EXAMINER LINDSAY: No, I will not permit you to make a statement in which no question is asked. You are just a witness.

(Discussion off the record.)

Q. Now, Mr. Hostetler—

TRIAL EXAMINER LINDSAY: Just a minute. The objection of Mr. Lauter as to the striking of all

this man's testimony and further examination is also taken under advisement for the time being.

Q. Now, Mr. Hostetler, were you present when these ballots were counted?

A. I was.

Q. Was anything developed in connection with the ballots that were returned as to being the same ones that were sent out?

MR. LAUTER: I object to the question as leading the witness.

TRIAL EXAMINER LINDSAY: Read the question.

(The last question was read.)

TRIAL EXAMINER LINDSAY: Yes. That last part of that phraseology of that question is absolutely leading. Now I don't think there is any necessity to ask a witness of this type any leading questions.

MR. KETTERER: All right.

Q. Now, Mr. Hostetler, was any comparison made of the ballots that were returned?

A. Yes, there was. We made a comparison of a sample ballot on one that we had left over with those which were returned.

Q. What did that comparison reveal among the ballots that were returned with the sample ballot that you had there?

A. Well, it revealed—if my figures are correct—that 3600 of the ballots, or approximately according to this report, 3600 or more were valid ballots. 2516 ballots returned were counterfeit ballots.

Q. Now, when you say—

TRIAL EXAMINER LINDSAY: Now, that "valid" is stricken from the record.

Q. Now, this number of 3600. How did that compare, Mr. Hostetler, with the sample ballots that you retained in your possession?

A. Well, my figure is approximately—the report of the judges shows how many were returned but about 2600 of the ballots were all of one kind.

Q. What kind were they?

A. They were of the same kind as those that were sent out.

Q. Now, were there other ballots received?

A. There were 2516 returned which were not of the kind that were sent out.

Q. Now, did you make any comparison and inspection of the 2516 ballots that were returned?

A. Yes, I did.

Q. Tell us what difference there was between those ballots and the ones that were sent out.

A. The ballots which were sent out were of a certain width which were intentionally cut one-eighth of an inch off of the standard width that the printer used. They were of a very obsolete kind of bond paper and they were—the—

TRIAL EXAMINER LINDSAY: May I see the ballot?

A. (Continuing) And they were of a bond paper which is not in common use; not easily available. They were an eighth of an inch either longer or shorter than the other ballots which were compared—which we compared them with. The perforation rulings were of a certain width, and the process by which they were made were of a process of a type face. The only one which didn't appear exactly as this was the ballots which were counterfeited and they varied an eighth of an inch in width, had different perforation rulings, were of a very inferior grade of paper as compared with the ballot stock we used, and I believe were printed by a photographic process which clearly—

MR. LAUTER: I object to what the witness believes.

MR. KETTERER: That may go out.

MR. LAUTER: I object to any further description as unnecessary as to the description of the ballots.

TRIAL EXAMINER LINDSAY: Yes. That is immaterial.

Q. Now, was there any comparison made of the envelopes?

A. There was.

Q. What did that reveal?

A. The type face on the return address was not the same on 2516 envelopes as it was on the return envelopes we sent out.

Q. Now, what if any other action did you take as Secretary of the Chamber of Commerce in having these 2516 inspected?

A. We had a Committee of three or four local printers come to our office and look at both kinds of ballots and tell us whether they were all printed at the same time, in the same way, on the same paper, and in the same form.

Q. Now—

MR. LAUTER: Will you fix the date of that, if you can?

Q. When was that, by the way, Mr. Hostetler? Can you tell us when that was?

A. I can't fix the date, no.

Q. What did those printers tell you about these 2516 ballots?

A. Those printers told us—our Committee—that the 2516 ballots apparently were counterfeit; they didn't look at all the 2516 you understand—they looked at a number of samples of those, and they were plainly counterfeit, and that the 3600 and some ballots were like those which were sent out as did Mr. Schoenberg, the gentleman who printed the ballots and who made an affidavit to that effect.

Q. Did he come down from Cleveland to inspect them?

A. He did.

Q. Now, who paid the expenses of this balloting?

A. The Canton Chamber of Commerce.

Q. How much did the amount come to, approximately?

A. I thin kthe postage and printing cost about $450 or $500.

MR. KETTERER: That is all.

Cross Examination

Q. (By Mr. Lauter) You were Secretary of the Chamber of Commerce?

A. That is right.

Q. You were Secretary for three years, is that correct?

A. Yes, sir.

Q. You are a Republic Steel Corporation member?

A. Sure.

Q. When did they become a member?

A. I haven't the least idea when they became a member.

TRIAL EXAMINER LINDSAY: Will you read that second question back?

(The last question was read.)

Q. Is the Republic Steel Corporation a member of the Canton Chamber of Commerce?

A. Yes, sir.

Q. When did they become a member?

A. More than 12 years ago.

Q. Who were some of the other members?

A. Of the Canton Chamber of Commerce?

Q. That is right. Are they local industries?

A. Do you want me to go into classifications?

Q. Are they local industries?

A. They are business and professional men, retailers, commercial houses, and industrials.

Q. Now, how many members are there on the Board

of Directors?

A. 15.

Q. Are any of the officers of the Republic Steel Corporation on the Board of Directors?

A. An executive of the Berger Manufacturing Company is on the Board of Directors.

Q. When you say the Berger Manufacturing Company you are referring to a plant owned by the Republic Steel Corporation?

A. That is right.

Q. What is the name of that individual?

A. L. S. Hammocker.

Q. Now, how many meetings have been held since May 25th, the day of the strike?

A. Of what?

Q. Of the Board of Directors of the Chamber of Commerce?

A. Since May 25th?

Q. That is right.

A. I would say about five meetings of our Board of Directors.

Q. Were any meetings held directly prior to May 25th?

A. I don't recall. The meeting of May 25th was a special called meeting; was a special meeting.

Q. Now, did Mr. Hammacher attend any of the five meetings?

A. Mr. Hammacher has attended one of the past six or seven meetings of our Board of Directors.

Q. Do you know whether or not at the particular meeting he attended whether matters affecting the strike were discussed?

A. Not at all; that meeting was held a week before he attended.

Q. Did he attend the meeting of May 25th?

A. He did not.

Q. What was the last meeting before that, that he attended?

A. Mr. Hammacher, because he is out of the city so much—

MR. LAUTER: Object to "because he is out of the city so much."

TRIAL EXAMINER LINDSAY: Yes, leave that out. Now, you do not have to start making excuses for this gentleman at all. You can tell what you know and forget the rest.

(The question read.)

Q. When was the last meeting?

A. I haven't the least idea.

Q. Do you know how long before the strike?

A. Well, it wasn't within a month or two of the strike, I know that.

Q. Was he the only official of the Republic Steel Corporation that is on the Board of Directors?

A. Yes, sir.

Q. Where do you hold meetings in the Canton Chamber of Commerce? Board of Directors' meetings?

A. Our board of directors' meetings are usually held at luncheon, at the Onesto Hotel.

Q. You don't recall the date of the meeting which Mr. Hammacher attended?

A. Mr. Hammacher attended one of the few meetings, our board meetings that he has attended, within the last ten days, at the Onesto Hotel.

Q. You are stating that no matters affecting the strike were discussed at that meeting?

A. Absolutely not.

Q. Were minutes taken at that meeting?

A. Of the very last meeting we held?

Q. The meeting that Mr. Hammacher attended?

A. Yes.

Q. Have you got those minutes with you?

A. No.

Q. Those are regular minutes which you have, as secretary of the Chamber of Commerce, in your office?

A. Sir?

Q. Now, the other meetings that were held subsequent to May 25th and including May 25th special meeting, were minutes of those meetings taken?

A. Yes, there were.

Q. Do you have those in your office?

A. Yes, sir.

Q. Can you produce those today?

A. Sure.

Q. Will you bring them back after lunch, please?

A. Yes, sir.

Q. Now, sometime in May, 1937, Mr. Frank Geltz and a group of other Republic employees came to the office of the Chamber of Commerce and spoke to you, is that correct?

A. That is right.

Q. Had you seen Mr. Frank Geltz before?

A. Not to my knowledge.

Q. Well, you know whether you saw him or not, don't you? You are testifying about your own knowledge, aren't you, on these matters?

A. Well, that is the first that I met him to know him. Yes.

Q. Now, who were the other members of that committee?

A. Well, of the committee, I recall the names of only three. Mr. Geltz, Mr. Teeters and Mr. Deffenbaugh.

Q. Do you know what connection Mr. Frank Geltz has with the employees representation plan, or did have?

A. I don't.

Q. Did you know at that time?

A. I didn't, at that time.

Q. Didn't you know that he was chairman, or rather representative under that plan?

A. No, sir.

Q. You stated that he told you that this group represented some 3500 men in the mill who wanted to go back to work, is that correct?

A. That is right, that is right.

Q. Did you ask him what evidence he had of representation?

A. Well, we questioned him at length regarding that. He and his committee, to make sure.

Q. You say "we." Whom are you referring to when you say "we"?

A. The president also, I think, was there. President Mr. Helbig, at that conference, or some other director of the chamber. I do not recall who it was.

Q. Yes.

A. We wanted to be absolutely sure that what he said was correct.

MR. LAUTER: I move that the last remark of the witness be stricken.

TRIAL EXAMINER LINDSAY: Yes, that is stricken.

Q. (By Mr. Lauter) Did you question him as to his representation?

A. No.

Q. When he said that he represented some 3500 men, you asked no questions as to whether or not that was accurate and true?

A. He didn't say that. He stated he and his committee represented 3500 men.

Q. That is right, and you asked him no questions, is that correct?

A. Well, we had a conference, I do not recall specific questions.

Q. That is what I am asking you, whether you recall

asking him any questions concerning whether or not he actually represented those men?

A. Yes.

Q. You don't remember asking any questions?

A. No, I remember asking him questions about it.

Q. What were those questions?

A. I do not recall.

Q. You can't recall a single question?

A. No, I recall that the answers that he gave me were sufficient to convince me, that his statements appeared to be true, to the extent that we were satisfied—

MR. LAUTER: I move that the last remark of the witness be stricken as to what appeared to satisfy him.

TRIAL EXAMINER LINDSAY: Yes, that is stricken.

Q. (By Mr. Lauter) You can't recall a single remark that he made in that connection?

A. I have previously quoted—

Q. I am asking you whether you can remember a single remark that he made in that connection?

A. In what connection?

Q. In connection with his representation of 3500 men, or the representation by that committee?

A. Not except that he said that he and his committee represented.

Q. I heard that statement.

A. That is all I can—

Q. Is there any other remark that you can remember?

A. That is all I can remember that he—

Q. Do you remember a single question that you asked him about that subject?

A. I would not say that I can remember a question that I asked him.

Q. Now, you have testified about a conversation with Mr. Carl Meyers?

A. That is right.

Q. That you called him, to get a certified list of employees?

A. That is right.

Q. And prior to that there was a Saturday evening meeting of the board of directors?

A. Correct.

Q. Do you recall that meeting?

A. I beg your pardon?

Q. Do you recall that meeting, that Saturday evening?

A. Of our board of directors?

Q. Yes.

A. That is right.

Q. Who was present at that meeting?

A. Present at that meeting were members of our board of directors including Mr. E. J. Helbig, our president, he is also president of the Sanitary Milk Company—

Q. I am not asking you for a description of their position. Who was present? Give the names.

A. Mr. Helbig, Mr. Vodrey, Mr. Grady.

TRIAL EXAMINER LINDSAY: Do you have to look at those names? You ought to know who was there.

THE WITNESS: I can't testify without looking at my records, as to exactly which members of our board attended that Saturday evening meeting.

Q. (By Mr. Lauter) Do you remember any others that were present?

A. I remember that Mr. Helbig—

MR. DAY: Just a minute, Mr. Examiner. I ask that if he cannot testify without refreshing his recollection—

TRIAL EXAMINER LINDSAY: This is cross examination, Mr. Day, and if he can't, he has made a statement that he can't—

MR. DAY: I suggest that he be allowed to consult any records he has.

TRIAL EXAMINER LINDSAY: He has all those names written down on the outside of this cover which contains some papers, and every time he gives a name he looks over and takes it off of the cover on this paper. Now, this is cross examination.

MR. LAUTER: I respectfully submit, Mr. Examiner, that I have a right to examine this witness as to his independent recollection.

TRIAL EXAMINER LINDSAY: Yes.

MR. LAUTER: Certainly that is within the scope of cross examination.

TRIAL EXAMINER LINDSAY: If he doesn't know, of course, he has a right to say he doesn't know.

MR. DAY: That is all right, he has a right to refresh his recollection.

Q. (By Mr. Lauter) Now, are you testifying that you cannot remember a single other name of a person who attended that meeting Saturday evening, apart from Helbig, Vodrey and Grady?

A. Helbig, Vodrey and—

Q. Yes, and Grady?

A. Grady.

Q. Who else?

A. And other members of the board present were, Mr. Thurin, Mr. William H. Miller. Further than that I cannot give you any names without my record.

Q. Who is Mr. Helbig?

A. Mr. Helbig is president of the Sanitary Milk Company.

Q. Who is Mr. Vodrey?

A. Mr. Vodrey is managing editor of the Canton Repository.

Q. Grady, who is Mr. Grady?

A. Mr. Grady is a foreman at the Pennsylvania Railroad.

Q. Who is Mr. Thurin?

A. Mr. Thurin is a merchant.

TRIAL EXAMINER LINDSAY: If you have no objections or if you do not want to finish the cross examination, I want to adjourn to 1:15.

(At 12:00 m., an adjournment was taken to 1:15 p. m.)

Afternoon Session

(Whereupon, at 1:15 o'clock p. m., the hearing was resumed and the following proceedings were had):

TRIAL EXAMINER LINDSAY: The hearing will come to order.

MR. LAUTER: Will you read back several questions and answers?

(Last three or four questions and answers were read.)

DALLAS L. HOSTETLER

the witness on the stand at the time of adjournment, resumed the stand and testified further as follows:

Cross Examination

(Resumed)

Q. (By Mr. Lauter) Who is Mr. Miller?

A. Mr. Miller; Mr. William H. Miller is an attorney.

Q. An attorney?

A. That is right.

Q. Now, have you those meetings that you referred to this morning?

A. I do have.

Q. Do you mind if I look at them?

A. Yes, sir, here they are (handing some papers to Mr. Lauter). I can help you find them.

Q. Will you find the minutes of May 25th; the special meeting to which you referred to this morning?

A. Yes.

Q. Now, you discussed the conversation which you had with Mr. Carl Meyers. Can you recall that?

A. Recall what?

Q. Recall the certified list of employees?

A. That is right.

Q. About when did you contact Mr. Meyers?

A. I contacted him after the meeting of our Board of Directors on—it was held on a Saturday evening.

Q. That was the Saturday evening after May 25th and May 29th, is that right?

A. That is right.

Q. Did you call him on the phone or did you go to see him personally?

A. I may have called him on the phone first and I did go to see him personally, I believe.

Q. Where did you go to see him?

A. I went to see him at the Onesto Hotel.

Q. About what time of the day did your conversation take place with Mr. Carl Meyers?

A. I don't recall.

Q. Was it in the morning or the afternoon?

A. Afternoon, yes. I mean it was afternoon time.

Q. It was after the Saturday evening following May 28th and 29th?

A. Yes.

Q. How long did you stay with Mr. Meyers?

A. I don't recall.

Q. A half an hour or four hours?

A. I can't recall; I don't know how long I was with him.

Q. You have no idea of the length of time you stayed with him?

A. No.

Q. I mean, tell when it was, half an hour or a day.

A. Well, I saw him after our meeting of Saturday evening and it couldn't have been a half an hour because I was—I went home after I had seen him that night.

Q. Now, let me get this straight. You say after our meeting of Saturday evening. You are referring to the Board of Directors?

A. That is right.

Q. You saw Carl Meyers after that?

A. That is right.

Q. Where did you see him then?

A. At the Onesto Hotel.

Q. About what time of the evening was that?

A. Well, it was probably within an hour or so after our meeting adjourned.

Q. About what time did the meeting adjourn?

A. I haven't the least idea.

Q. At 12 or 1 or 2?

A. I don't know.

Q. Do you know when it started?

A. The minutes would show when it started, yes.

Q. We will look at the minutes later. They do not appear to show the time either of the commencement or end of the meeting. But that meeting was held in the evening, was that correct?

A. That is right.

Q. On Saturday evening, May 29th?

A. That is right.

Q. After that meeting was over, you went to the Onesto Hotel and saw Mr. Carl Meyers?

A. That is right.

Q. Will you state what conversation you had with Mr. Carl Meyers when you saw him there on that evening?

A. I said that our board of directors had decided at a meeting just held within the hour or two, to send a bal-

lot by mail to all employees of the Republic Steel Corporation in Canton.

Q. What did Mr. Meyers say?

A. Well, in response to my request for a certified list, which I told him I would have to have, he said he thought I could get it, but that I probably should consult some officials of the Republic Steel at Cleveland for final permission to get it.

Q. Did he say that he would get permission, or that you would have to get permission?

A. I don't recall which he said.

Q. Now, had you seen Mr. Meyers prior to that Saturday evening you are now relating, May 29th?

A. I don't recall whether I had or not. But not in connection with this matter, if I had seen it.

Q. Had you ever seen him on any business connected with the Chamber of Commerce?

A. Oh, yes.

Q. Well, you do remember seeing him, don't you?

A. Certainly.

Q. And you saw him on business connected with the Chamber of Commerce?

A. Yes.

Q. Was that since the strike?

A. I have seen him on various matters of business both before and after the strike.

TRIAL EXAMINER LINDSAY: Just a minute. Read that question, Mr. Reporter.

(The last question read.)

TRIAL EXAMINER LINDSAY: Now, was it since the strike or not?

THE WITNESS: Yes.

Q. Had you seen him prior to the strike?

A. Yes.

Q. How long prior to the strike?

A. Well, I have seen him on numerous occasions ever since he has been—

Q. What was the first time prior to the strike that you saw him?

A. I haven't the least idea.

Q. Did you see him in connection with matters affecting Republic employer and employee relations?

A. Never have.

Q. Either before or after the strike?

A. No, sir.

Q. Apart from your conversation on May 29th?

A. Not to my knowledge.

Q. Well, have you seen him since May 29th?

A. Yes, sir.

Q. What was the next time you saw him after May 29th?

A. I don't know when it was.

Q. Approximately when?

A. Well, I have seen him numerous times since that.

Q. Did you see him within a week after May 29th?

A. Undoubtedly I did, yes.

Q. Well, didn't you confer with him, then, about employer and employee relations?

A. I don't know what you mean by that because that is not a part of our business.

Q. Did you discuss the matter of the vote there?

A. I discussed the matter of the vote with him, on the Saturday evening when I went to ask him for the certified list of names.

Q. Is that the only time you discussed the matter of the vote with him?

A. No, that is not the only time.

Q. When was the next time that you discussed the matter of the vote with him?

A. I don't know.

Q. Well, give me your approximate date? I am not

trying to pin you down to dates. I want you to give an idea of approximately how soon after June 29th you spoke to him.

A. Well, I saw Mr. Meyers very frequently, sometimes once every other day, and it is quite possible that during the week after the strike a vote was taken, that I saw him every other day or every day. I do not recall.

Q. Well, do you recall what you discussed with him during that period?

A. I would not have the least idea.

Q. You can't remember a single thing that you spoke to him about?

A. No. Because I can't remember any one specific time that I went to see him about anything.

Q. Let's see if I can't help you.

A. All right.

Q. When you got back from Cleveland, did you speak to him about the vote?

A. When I got back from Cleveland?

Q. That is right, after you saw Mr. Voss, didn't you speak to Mr. Meyers?

A. Well, I may have reported to him that—yes, I probably saw him and reported to him that it was—it was agreed at Cleveland that Republic Steel would furnish us with the names and addresses of Republic Steel employees.

Q. Yes.

A. And from what point on, he was authorized to secure for me or give me, from his Canton office records, those names and addresses.

Q. Now, do you recall any other conversation you had along the same line with him? Or anything that he said? Is that all?

A. That is all that I recall.

Q. Did he state whether or not he himself had personally called Cleveland to check on whether or not your statement to his attorney was confirmed and correct?

A. I don't recall whether he did or not.

Q. As far as you know, he accepted your statement that Cleveland authorized him to do those acts that you have related?

A. I presume he did as to my statement but no doubt he checked with the Cleveland office.

MR. LAUTER: I move to strike from the record "no doubt he checked." I am not interested in that.

TRIAL EXAMINER LINDSAY: Yes. That may go out.

Q. Now, you received a certified list of employees. From whom did you get it?

A. I got it from the paymasters of Berger Manufacturing Company and Republic Steel.

Q. Did you go yourself personally to get it or was it brought to you?

A. I think it was brought to me.

Q. Now, those showed the employees as of what date?

A. I believe the affidavits accompanying the names give that information. I can't give it to you. I would have to check my records to see.

Q. Did you ask for employees as of any particular date?

A. Yes, I asked for the most recent and most correct list of employees available; perhaps the names of employees on the payroll a week prior to the strike.

Q. Is that what you asked for?

A. Not specifically, no, but approximate'. I don't remember what I asked for.

Q. Did you ask for it in writing or over the phone or in person?

THE WITNESS: Will you read that question?

(The last question was read.)

A. Well, I didn't ask in writing; I may have asked

in person or I may have asked by telephone.

Q. You don't recall which?

A. I don't recall.

Q. Did you ask for all the employees from the production and maintenance employees?

A. I asked for all employees of the Republic Steel in Canton.

Q. Do you know whether the list with which you are furnished was of all the employees?

A. The affidavits state that.

Q. So that that vote which was taken or the ballots which were given out was a list of all employees?

A. All employees of the Republic Steel.

Q. That would include foremen, clerical workers and other men in the production and maintenance department, is that correct?

A. I think that is right.

Q. Including officials of the Company?

A. I think not.

Q. Do you know or don't you know?

A. To the best of my knowledge, it didn't include the names of officials of the Company.

Q. Do you consider a general superintendent an official?

A. I am not qualified to say.

Q. Did you check that list to see whether or not it included general superintendents?

A. I would not want to say whether I did.

Q. Do you know whether you did or didn't you; don't you know?

A. The affidavit which was presented—

Q. Did you or didn't you check the list to see whether or not it included general superintendents?

A. I didn't check to see for that particular classification because there are numerous classifications; I probably checked some—

Q. I am not interested in your different classifications. I am interested in your best recollection of what you actually did.

A. My best recollection is—

TRIAL EXAMINER LINDSAY: Will you read the question?

(The last question was read.)

TRIAL EXAMINER LINDSAY: Read that question once more to the witness.

(The last question was once more read.)

MR. LAUTER: I respectfully submit to you, Mr. Trial Examiner, that this witness is capable of a yes or no answer. I object to this fencing on the part of the witness.

TRIAL EXAMINER LINDSAY: Yes, he can answer.

Q. I am quite sure that the Judge's—

TRIAL EXAMINER LINDSAY: Answer that question yes or no

A. I probably didn't.

MR. LAUTER: I again move that the answer be stricken. I am not interested in this witness' probabilities.

TRIAL EXAMINER LINDSAY: Answer the question. Did you or didn't you?

Q. Don't you know whether you did or didn't?

A. Those judges that—

MR. LAUTER: I object and again respectfully move your Honor to strike that remark from the record.

TRIAL EXAMINER LINDSAY: Mr. Reporter, read the question once more to the witness. That means did you check, Mr. Witness?

A. To the best of my knowledge, I did not personally check that list to see whether it included general superintendents.

Q. You find a great difficulty in answering that question yes or no.

A. I have found a great difficulty in answering that question.

Q. Now, you visited Cleveland on May 30th, is that correct?

A. The date, please?

Q. May 30th you testified you visited Cleveland?

A. Yes, sir.

Q. That was a Sunday?

A. That is right.

Q. How did you go there?

A. I went there with an employee of the Republic Steel Corporation.

Q. What was his name?

A. I don't recall his name.

Q. How did you happen to go?

A. I was instructed—

Q. How did he happen to go with you, Mr. Hostetler?

A. He was instructed to drive me there; I believe by Mr. Meyers.

Q. When did Mr. Meyers instruct that employee, if you know?

A. At the time—at the time he told me I should go to Cleveland to see some of the officials of the Company.

Q. That was on May 29th?

A. It was.

Q. Now, you are testifying under oath that you don't remember the name of the man whom you drove to Cleveland with, is that correct?

A. I don't recall his name. I doubt whether I would know him if I saw him. I would not want to guess his name.

Q. I am not interested in a speech. Just tell me whether you know it or not.

A. I would not be able to tell you his name.

Q. You don't know, is that correct?
A. I don't know it.
Q. Now, did he drive you back also?
A. Yes, sir, he did.
Q. How long did you stay in Cleveland?
A. I stayed in Cleveland probably from 10 in the morning until 6 o'clock in the evening.
Q. You didn't pay for that transportation, did you?
A. I didn't.
Q. Were any other expenses paid by Republic?
A. I don't recall any other expenses.
Q. Did you pay for your own meal that day?
A. I wouldn't recall that; I haven't the slightest idea.
Q. Now, you spoke to Mr. Voss there, is that right?
A. I spoke to Mr. Voss.
Q. Do you know who Mr. Voss is?
A. Yes, sir.
Q. Do you know what position he has with the Company?
A. Yes, sir.
Q. When did you speak with him; on Sunday, May 30th?
A. I spoke with him over—very shortly after I arrived in Cleveland.
Q. About what time did you arrive there?
A. Oh, between 9:30 and 10 o'clock in the morning.
Q. When did you leave Canton?
A. Oh, about two hours prior to that time.
Q. How long did you speak with Mr. Voss?
A. I haven't any idea; not very long. It was a very short time.
Q. A half an hour?
A. Not any more than that.
Q. Where did you speak to Mr. Voss?
A. At the Republic Steel offices.
Q. In Cleveland?

A. That is right.

Q. You testified that Mr. Voss sent an employee with you to a printer. You have given the name of that printer as Schoenberg?

A. That is right.

Q. Is that a Republic Steel Corporation printer?

A. I don't know.

Q. What were you told when a Republic employee was sent with you to that printer?

A. I was told that the Republic Steel Corporation knows that particular gentleman.

Q. Mr. Voss told you that he knew him?

A. Yes, sir.

Q. Did he tell you whether or not he had worked —whether he had done work there by Republic before?

A. He may have told me that. That is right.

Q. Have you been billed by that printer for the ballots?

A. Yes, sir.

Q. And the envelopes?

A. That is right.

Q. You say that bill has been paid?

A. That bill has been paid.

Q. It approximates $500?

A. No, that bill approximates between $175 and $185.

Q. What account was that paid out of; can you tell us?

A. Out of our general Chamber of Commerce budget.

Q. What particular account in that budget?

A. I wouldn't say we had any particular account. We have a general budget which we use for various Chamber of Commerce expenses.

Q. Well, you have a budget that includes salaries?

A. Yes, sir.

Q. And headquarters?

A. Yes, sir.

Q. Posters and a number of other items?

A. Yes, sir.

Q. In what category did you pay for the expenses of printing those envelopes and ballots?

A. Our records would show that. I wouldn't want to testify in any particular category or expenditure but our records would show that.

Q. It would show the particular category but you don't recall offhand?

A. No, sir, I wouldn't.

Q. Was there any special assessment in connection with that expense?

A. No, sir, there wasn't.

Q. Was there any contribution by any firm?

A. No, sir, none whatever.

Q. Was there any contribution?

A. No, sir.

Q. Was there any special assessment?

A. No, sir.

Q. Only various dues that have been paid?

A. Yes, sir.

Q. When are those dues paid?

A. When are those dues paid?

Q. That is right.

A. They are paid at various times depending on the time when the member joins because they are billed once each year. The date each member joins until the following year.

Q. Do you happen to know when Republic dues become due?

A. No, sir, I don't; it might be May 1st or October 1st.

Q. I want you to state as fully as you can the conversation you had with Mr. Vose on May 30th.

A. I told Mr. Voss what I had told Mr. Meyers, that our board of directors in following out a request of a com-

mittee of Republic Steel employees, had decided to take a vote by mail of Republic Steel employees; and that in order to take that vote we would absolutely have to have a certified list of the names and addresses of all Republic Steel employees, and that his office being the only place where we could get such a list, we were coming to him and asking him to give it to us.

Q. Now, after— And then Mr. Voss suggested the name of Mr. Schoenberg, is that right?

A. Yes, sir.

Q. And sent you with an employee of Republic down to his office or his place of business?

A. That is right.

Q. Did you return again that day to speak to Mr. Voss?

A. I am quite sure that I didn't.

Q. How long did you stay down at the printer?

A. I stayed with the printer for, oh, possibly an hour or two.

Q. Who drove you to the printer's?

A. The same gentleman who took me to Cleveland.

Q. And you were accompanied by an employee of Republic on that ride to the printer?

A. The gentleman who drove me was a Republic Steel employee.

Q. Is that the same employee you are referring to?

A. That is right, the same one.

Q. He knew about the printer, Schoenberg?

A. No, he and I were given the name and address of the printer and we drove to that name and address and found the printer there.

Q. What conversation did you have with the printer?

A. I told the printer that I represented the Canton Chamber of Commerce; that I wanted him to print me a letter and a ballot in the quantity of 6500. That I needed

the work done as quickly as I could get it, and that particular pains should be taken in preparing it so it could not successfully be duplicated.

Q. Did you prepare a form of ballot and letter?

A. I think our board of directors prepared the letter and the form of the ballot.

Q. On what date?

A. On the Saturday evening at which they had their meeting.

Q. Are you sure of that?

A. Well, I didn't prepare it. They prepared it there and gave me a copy of it—told me what we might say and what we might not say in the letter.

Q. Who handed you the copy?

A. The copy was presented at the board meeting?

Q. Do you mean it was prepared before the board meeting?

A. It was drawn in rough draft by me, before the board meeting; corrected quite generously by the board, to be perfectly unbiased in every way.

MR. LAUTER: I object to the characterization of this witness and move it be stricken from the record.

TRIAL EXAMINER LINDSAY: Yes, that will be stricken from the record.

Q. Did you prepare the draft?

A. I prepared the rough draft.

Q. Before the meeting?

A. Immediately prior to the meeting.

Q. Did you collaborate with anyone in preparing that draft?

A. I might have collaborated with our president or with one of the attorneys on our board of directors.

MR. LAUTER: Well, at this time, if you please, Mr. Examiner, I am going to object to the qualified answer of this witness. I want an answer one way or

the other, if he does not know, let him say so.

TRIAL EXAMINER LINDSAY: Yes. Every answer of yours is "I might have" or "I may have". Now you either did or you didn't. Now, read that question.

(The last question was read.)

TRIAL EXAMINER LINDSAY: Strike out that answer.

(The last answer was read.)

A. I can't answer yes or no to that because I consult members of our board in preparing things of this sort.

Q. I am asking you about that particular draft, not things of this sort. Did you or didn't you?

A. Yes, I did.

Q. Whom did you consult with about that particular draft?

A. Either—Either Mr. Clayton Hoffman, a member of our board or Mr. Elmer Helbig, the president of our organization.

Q. Now, do you remember where you consulted with them? Either of them?

A. If it was Mr. Helbig, I consulted with him at his home. If it was Mr. Hoffman, I probably read what I had drawn up, on the telephone, to him and with the understanding that it would be revised and perfected by the Board itself at the meeting.

Q. When you went to Cleveland you had an approved draft, is that right, to be printed?

A. A draft approved by our board of directors.

Q. Did you show that to Mr. Voss?

A. Yes, sir.

Q. Did Mr. Voss approve it also?

A. Yes, sir. He couldn't approve it. It is our letter, but he approved—he permitted us to use his name. His names and addresses of his employees.

Q. Did he make any changes in it?

A. He did not.

Q. You showed it to him and he thought it was all right?

A. I was instructed that there couldn't be a word changed in that thing, when I showed it to him

Q. You showed it to him and he thought it was all right? Expressed satisfaction with it?

A. Our board of directors—

TRIAL EXAMINER LINDSAY: Wait a minute, put that question.

MR. DAY: I object to the question. There are about three questions in one, there.

MR. LAUTER: I will withdraw the question.

TRIAL EXAMINER LINDSAY: Read the question.

Q. (By Mr. Lauter) Did you show the form of ballot and letter to Mr. Voss?

A. Yes, sir, I did.

TRIAL EXAMINER LINDSAY: Just a moment. I want this record straightened. Now, he withdrew his question, so you withdraw your objection?

MR. DAY: Why, sure, if the question is out, the objection is out. No use having an objection if there is no question.

TRIAL EXAMINER LINDSAY: Well, I want it so that the record is corrected.

MR. DAY: That is right.

Q. Did Mr. Voss say anything about that?

A. About the ballot, do you mean? And the letter?

Q. That is what I am asking you about.

A. He said he had no objection to the Canton Chamber of Commerce mailing such a letter and such a ballot to Republic Steel employees.

Q. Did you tell him you were going to mail them to all employees?

A. Yes, I told him that, in asking him for a list of all his employees.

Q. And to whom did he refer you, for a list?

A. He referred me back to Canton for that list, back to Mr. Meyers. And Mr. Meyers referred me either to the paymasters or some official of each of the two companies represented.

Q. Now, on May 31st these ballots and letters were delivered to you, is that correct?

A. Yes, the morning of May 31st.

Q. And you called the Republic Steel Corporation that day and requested some people to assist you in folding and mailing them?

A. I probably had done that the day before, in order that they might call people in to do the work.

Q. Well, you saw Mr. Meyers the day before? Did you speak to him at that time about it?

A. I either spoke to him or to Mr. Gubbens about it at that time.

Q. On Sunday?

A. Yes.

Q. And they agreed to furnish you with the necessary help in order to fold and mail out?

A. Yes, sir, they did.

Q. The ballots?

A. That is right.

Q. Subsequently some employees did come from Republic and assist you?

A. Yes, sir.

Q. How many came?

A. Between 20 and 30, I presume.

Q. And when did they come, the first time?

A. Well, they all came during that one day. They all came about 9 or 9:15 in the morning to our offices.

Q. How long did they stay?

A. They stayed until all of the work was done, which was practically the entire day.

Q. Did they come again?

A. No, the work was finished at that time.

Q. Well, not for that particular work, but for counting—Did they come again?

A. I can't recall whether we employed outside girls to help with the counting or whether we asked Republic Steel to cooperate with us at that time again, in counting the ballots. Our records would show that.

Q. Well, were you present when the ballots were counted?

A. Yes, sir, I was.

Q. And you don't remember whether or not you made the arrangements to have Republic employees count them?

A. I asked one of the young ladies in our office to take care of getting the girls in.

Q. Well, what did you tell her? Did you tell her to call Republic?

A. I don't recall whether I told her that or not.

Q. You are sure you don't recall?

A. I absolutely am sure.

Q. Now, you testified the count of the ballots, there were tellers there to count the ballots, is that correct?

A. To count the ballots?

Q. Who counted the ballot?

A. There were, I recall very distinctly that we paid the girls who came to our office to count the ballots, and therefore they were not Republic Steel employees, so I would like to correct our answer on that.

Q. All right, go ahead.

A. And those young ladies opened the envelopes, sorted them out, and the actual work of tabulating was done by the three clergymen who were the judges of the ballot—of the vote.

Q. You have referred to this ballot as an official ballot?

A. I did not—I referred to the official report from our committee to our president, but not to the ballots as being official. I refer to them as being a counterfeit or authentic.

Q. When you say "official ballots" what do you mean by the word "official"? It means that the Chamber of Commerce conducted them, is that what you mean?

A. I mean the ballots which we mailed out were our official ballots. I would rather use the word "authentic ballots".

Q. Yes, rather than official.

A. All right.

Q. But these ballots that were mailed out, resulted in what you call a secret vote, is that correct?

A. We called it secret because we carefully guarded against—

TRIAL EXAMINER LINDSAY: No, strike that out.

Q. (By Mr. Lauter) I am interested in whether or not you have referred to this as a secret vote, is that correct?

A. Yes, we have referred to it as that.

Q. Isn't it a fact that anyone could open that envelope, who received it, and put in the name of the employee and mail it back to you?

A. Yes, that would be possible.

TRIAL EXAMINER LINDSAY: Well, may I suggest that you correct that?

MR. LAUTER: Yes, it has been called to my attention by my associate here that the name is not appended in any way to the ballot, and all one has to do is sign yes or no, or if he couldn't vote either way, state why.

Q. (By Mr. Lauter) So that anyone receiving the envelope could have mailed it back, is that correct?

A. It was mailed only to Republic Steel employees, but anyone who received it at that particular receiving address could open it and send it back.

Q. Or destroy it?

A. Or destroy it.

Q. If an employee's wife had picked it up, she could have thrown it out?

A. Yes, sir.

Q. Do you know what the Mohawk Valley Plan is?

MR. DAY: I didn't hear that.

(Question read by the Reporter.)

A. I do not.

Q. Never heard the term used before?

A. I have heard the term, but I haven't the least idea what it is.

Q. For breaking strikes?

A. I don't know that much about it.

Q. Do you mean as secretary of the Chamber of Commerce you have heard the term Mohawk Valley Plan but you are not sure of whether or not—you are not sure of exactly what that term means, is that correct?

A. If I ever heard of it I would not know what it means.

Q. Now, at the time of this vote, you testified there were a number of ballots that were counterfeit?

A. Yes, sir.

Q. Who adjudged these votes counterfeit? Were they the persons who actually counted the ballots?

A. They were all persons present who participated in the opening of the envelopes and the sorting of the ballots, could see the fact that they were obviously counterfeit.

MR. LAUTER: I move the answer be stricken.

TRIAL EXAMINER LINDSAY: Yes, that is stricken. Repeat that answer back to the witness.

(The last answer read by the Reporter.)

TRIAL EXAMINER LINDSAY: Now, listen, you are under oath and you know better than to give an answer like that. Repeat the question again.

(The question read by the Reporter.)

A. The judges—

TRIAL EXAMINER LINDSAY: Yes, or no, was it? Read the question.

(The question read by the Reporter.)

A. Well, they were the three gentlemen who were the judges of the voting, who said that they were not authentic.

Q. I refer you to Board's Exhibit—Respondent's Exhibit No. 17 for identification and call your attention to the fact that the three gentlemen you have referred to have signed their names to this document which contains the following passage: "We found 2516 returned ballots which did not conform to the official ballots." Is that statement correct?

A. That is the statement made by the three judges. That is right.

Q. Did they personally inspect the 2516 ballots, do you know?

A. Yes, sir.

Q. And they found these discrepancies?

A. Yes, sir, every one of them.

Q. Now, you testified that or there has been some testimony about advertisements in a local newspaper. Has the Chamber of Commerce paid for any advertisements in local newspapers?

A. About what subject?

Q. In connection with the strike?

A. In connection with the strike? The Chamber of

Commerce has never prepared, submitted, or published, or paid for any strike information.

MR. DAY: I want to raise a question whether this witness did testify as to any advertisement.

TRIAL EXAMINER LINDSAY: Well, he didn't say that he did, Mr. Day.

MR. LAUTER: I corrected my question.

TRIAL EXAMINER LINDSAY: The question was: You heard that testimony given by another witness.

MR. DAY: I thought Mr. Lauter said "you testified".

TRIAL EXAMINER LINDSAY: Well, he changed it.

MR. DAY: Well, I didn't catch that last. Repeat the question.

(Question read by the Reporter.)

(Answer read by the Reporter.)

TRIAL EXAMINER LINDSAY: All right, the only thing that is in answer to that question is that you didn't pay for. Strike the rest of it out.

MR. LAUTER: At this time, if it please, Mr. Examiner, I would like to request a short recess for the purpose of examining the minutes of the meetings which this witness has testified to. I would like a recess.

TRIAL EXAMINER LINDSAY: Yes. We may have a short recess. How long? About 10 minutes?

MR. LAUTER: That will be about all.

(Recess had.)

TRIAL EXAMINER LINDSAY: We will come to order.

Cross Examination (Continued)

Q. (By Mr. Lauter) Mr. Hostetler, how often were

meetings of the Chamber of Commerce held?

A. Do you mean of our Board of Directors?

Q. That is right.

A. Our Board of Directors met on an average of once every month.

Q. Do you know whether or not they held any meetings in May and July of this year?

A. Our records would show that; I presume they did.

Q. If there are no minutes in this minute book that would mean that they held no meetings?

A. That is absolutely correct?

MR. DAY: Will you read that question? I did not hear it.

(The last question was read.)

Q. I want to call your attention to a meeting dated March 19, 1937, which meeting refers to a request for the Canton Development Corporation for a subscription of $1000, and the following passage in the minutes, and ask you whether or not the minutes are correct as they are here; that the Chamber of Commerce financial situation clearly indicates the lack of sufficient funds for any other purpose than essentially Chamber of Commerce in so far as that statement is correct?

A. Correct.

Q. That was a request for $1000, is that right?

A. Yes, sir.

Q. What is the total amount of money spent by the Chamber of Commerce in connection with this strike?

A. About $500.

Q. Now, I call your attention to the minutes of May 7, 1937, that is 18 days before the strike, and ask you whether or not it is not true that Mr. Hammacher, an official of the Republic Steel Corporation, was present at that meeting?

A. Yes, sir, he was.

MR. LAUTER: That is all.

MR. KETTERER: One more question, Mr. Hostetler, please, that I neglected to ask you this morning. You testified that there were 2500 and some odd ballots which the Committee of judges determined were not the same as the original ballots that you retained for comparison. I will ask you to state what answer appeared on each of those 2500 ballots, if you know.

TRIAL EXAMINER LINDSAY: Now, just a minute.

(Discussion off the record.)

TRIAL EXAMINER LINDSAY: Read the question.

(The last question was read.)

A. The answer on every one of the 2516 ballots was a vote "No" "I vote to stay out."

MR. KETTERER: That is all.

Q. (By Mr. Lauter) Did you personally inspect those 2516 ballots that you testified about?

A. Yes, sir.

Q. And in each case the answer is no?

A. Yes, sir.

MR. LAUTER: That is all.

MR. KETTERER: That is all. Thank you very much.

(Witness excused.)

E. D. GIBSON

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Ketterer) Will you state your name, please?

A. E. D. Gibson.

Q. Where do you live, Mr. Gibson?

A. Middle Branch.

Q. How—by whom are you employed?

A. Republic Steel.

Q. How long have you worked for the Republic Steel Corporation? Or its predecessor corporation?

A. Since February, 1934.

Q. And in what department do you work?

A. In the bar mill.

Q. The power mill?

A. No, the bar mill.

Q. The bar mill?

A. Yes, sir.

Q. What is your job in the bar mill?

A. Strander.

Q. How do you spell that?

A. S-t-r-a-n-d-e-r.

Q. How long have you worked for the Republic Steel in that particular department?

A. About two and a half years.

Q. I will ask you to state whether or not you were so employed in May, 1937, when this strike commenced out here?

A. I was.

Q. Now, do you recall the day on which that strike started?

A. I do.

Q. What day was that?

A. The evening of the 25th of May.

Q. What turn did you work on the 25th of May?

A. The day turn.

Q. What period of hours did that cover?

A. 8 to 4.

Q. Now, during the strike I will ask you whether or not you were on the inside of the plant or on the outside?

A. Inside.

Q. Now, Mr. Gibson, will you tell us the circumstanc-

es of your going into the inside of the plant, so that you were in there during the time of the strike?

A. Well, it had been rumored and—

MR. LAUTER: Objection to what has been rumored and move that it be stricken from the record.

MR. DAY: Well, let the witness finish the answer.

TRIAL EXAMINER LINDSAY: Tell what you know.

THE WITNESS: Is it stricken?

TRIAL EXAMINER LINDSAY: That is stricken.

A. (Continuing) It has been published in the papers—

MR. LAUTER: I am sorry I have to interrupt again but I move that the answer be stricken.

MR. DAY: If the Court please, he is going to tell why—

TRIAL EXAMINER LINDSAY: Just a minute. I think that probably is proper. The question had been asked.

MR. DAY: All right.

MR. KETTERER: Will you read that question?

(The last question was read.)

A. It had been published in the papers that the Committee of Industrial Organization appeared to be ready to strike—

TRIAL EXAMINER LINDSAY: "Appeared to be ready to strike" is stricken from the record.

A. (Continuing) Was going to strike against little steel. My not being a member, I wasn't interested in what they done but interested in what I do.

MR. LAUTER: I move what this witness is interested in be stricken from the record.

TRIAL EXAMINER LINDSAY: Yes. (To the

Witness) The fact is, you stayed at the plant, is that it?

THE WITNESS: That is right.

TRIAL EXAMINER LINDSAY: All right.

Q. Now, proceed, Mr. Gibson. Do you remember the question now, Mr. Gibson?

A. I just recall part of it.

MR. KETTERER: Will the Reporter please read my question?

(The last question was again read.)

TRIAL EXAMINER LINDSAY: May I ask the purpose of showing all these circumstances?

MR. DAY: Just this, your Honor—

TRIAL EXAMINER LINDSAY: Just a minute.

(Discussion off the record.)

TRIAL EXAMINER LINDSAY: Proceed.

MR. KETTERER: Will you read the question once more, Mr. Reporter?

(The question was again read.)

A. (Continuing) To be there and protect my job when the strike—when the rumored strike was called.

Q. Now, on the evening of the 25th of May, 1937, what is the fact as to whether you received any information that the strike was to be called that night?

A. Will you state that again?

TRIAL EXAMINER LINDSAY: Read the question, Mr. Reporter.

(The last question was read.)

A. Only that from rumors.

Q. What if anything did you do then when you heard a rumor?

A. Prepared myself to enter the plant.

Q. What time was that?

A. Immediately before 8 o'clock that evening.

Q. On the 25th of May, 1937?

A. That is right.

Q. Now, I will ask you to state, Mr. Gibson, whether or not prior to the 25th of May, 1937, or on that day you ever received any direction from your foreman or any other officer of the Republic Steel Corporation that in the event of a strike you were to report there for work during the period of the strike.

MR. LAUTER: I object on the ground that it is incompetent, irrelevant and immaterial.

TRIAL EXAMINER LINDSAY: Yes, that is sustained; it is not material.

MR. KETTERER: Now, if the Court please, I would like to make an offer of proof. I don't know the procedure exactly down here. I would like to be informed on the proper procedure.

(Discussion off the record.)

MR. KETTERER: We offer to prove that that witness didn't receive any order or any direction from any officer or superintendent of the Republic Steel Corporation to report for duty in the event of a strike on or about May 25th, 1937, and we believe that the witness would so testify if permitted to answer.

(Discussion off the record.)

Q. Now, Mr. Gibson, how long did you remain in the plant of the Republic Steel Corporation after the 25th of May, 1937, when you said you went in?

A. The forenoon of June 30th.

Q. June 30th?

A. Yes.

Q. Now, during that period of time, I will ask you to state whether or not you observed the presence of pickets around the various entrances to the plant.

A. I did.

Q. Describe, Mr. Gibson, what if anything you observed those pickets having in their hands.

MR. LAUTER: May we have the time fixed; and also some identification?

MR. KETTERER: What?

MR. LAUTER: The time when this took place.

MR. KETTERER: During the time he was in the plant.

MR. LAUTER: Well, I will object to the question on the ground that it is vague and indefinite.

TRIAL EXAMINER LINDSAY: Yes. It is leading. You may ask the man what he observed but when you go on and specify and lead it right down, that is going a little far.

MR. KETTERER: I will withdraw the question.

Q. Describe what you saw in respect to the pickets around the plant during the time you were in there from the 25th of May until the 30th of June.

MR. LAUTER: I will withdraw my objection for the clearance of the record since the previous question has been withdrawn.

MR. KETTERER: Will you read my question?

(The last question was read.)

A. What I saw in regard to what?

TRIAL EXAMINER LINDSAY: Now, just a minute. Read that question for him, Mr. Reporter.

(The last question was read.)

A. The forepart or the latter part of May and the first of June the pickets were armed with defensive weapons.

MR. LAUTER: Object to the phrase "defensive weapons."

MR. DAY: That may go out by consent.

TRIAL EXAMINER LINDSAY: Yes.

Q. Just tell us what these pickets had, if anything.

A. They were armed with clubs.

Q. Can you describe those clubs in any more detail?

A. Well, there was a club on the order of a ball bat.

Q. Now, during the time that you were—

MR. LAUTER: I want to object to the question and move that the answer be stricken and object to any further inquiry along this line. There has been an adequate description of the pickets and of what they carried.

MR. DAY: We would like to be heard on that, your Honor.

TRIAL EXAMINER LINDSAY: Read the question.

(The last question was read.)

MR. LAUTER: That has been answered.

TRIAL EXAMINER LINDSAY: Yes. That has been answered; he described the clubs.

MR. LAUTER: I believe there is an answer on the record. Will you please read that, Mr. Reporter?

(The last answer was read.)

(Discussion off the record.)

Q. During the time that you were there from the 25th of May, 1937, until the 30th of June, 1937, I will ask you to state what various entrances of the Republic Steel plant you visited.

A. The main office—the gate at the main office, the Trump entrance and the blast furnace entrance across from the—some foundry across from the water tower of the Pennsy track, the Berger entrance, and the Eighth Street and Carnahan—the Eighth Street and Belden.

TRIAL EXAMINER LINDSAY: Just a minute. Mr. Ketterer and Mr. Day and Mr. Lauter, will you come up here?

(Discussion off the record.)

(The question and answer read by the Reporter.)

Q. (By Mr. Ketterer) Now, Mr. Gibson, I will ask you to state whether or not the pickets that you observed at these various entrances which you visited, carried clubs of the kind that you have described?

MR. LAUTER: I object to that question, incom-

petent, irrelevant and immaterial, and upon the further ground that the time has not been fixed.

TRIAL EXAMINER LINDSAY: Well, I will overrule the objection. Let the record show an exception.

MR. LAUTER: Exception.

A. Will you read that again?

TRIAL EXAMINER LINDSAY: That is, if you fix the time.

MR. KETTERER: He fixed the time, your Honor, as being between the 25th of May and June 30th, previously, I think; yes.

(The question read by the Reporter.)

A. They did.

TRIAL EXAMINER LINDSAY: Now, I think that you really should ask him what he observed at that time. That is purely a leading question.

MR. KETTERER: I understand that that is something in the nature of a leading question, your Honor, but in the interests of saving time you can ask questions in that fashion. But if you want me to ask them the other way, we will be glad to do so.

TRIAL EXAMINER LINDSAY: The only type of witness I am very lenient with, on the question of leading questions, is a witness who does not understand English very well, and who has not had very much schooling. Now, I think we should limit ourselves to those particular types of witnesses, when we do ask those particular types of questions.

MR. KETTERER: I will be very glad to conform to your Honor's suggestion. I will withdraw the question.

MR. DAY: Well, I think the objection was overruled, to that one.

TRIAL EXAMINER LINDSAY: What?

MR. DAY: Did you sustain the objection to that, on the ground that it was leading?

TRIAL EXAMINER LINDSAY: No, I am just instructing counsel.

MR. DAY: How to act in the future?

TRIAL EXAMINER LINDSAY: To refrain from doing that.

MR. DAY: All right.

MR. KETTERER: All right. Did he answer that?

TRIAL EXAMINER LINDSAY: Yes.

Q. (By Mr. Ketterer) Now, Mr. Gibson, do you recall the occasion of a freight train coming into the plant of the company, while you were there?

A. Several did.

Q. Now, directing your attention to the time when a train came in without any crew in charge of it. Do you recall the occasion of that?

A. I do.

MR. LAUTER: I object to that question as leading and highly improper.

MR. KETTERER: I am not asking for anything excepting whether he recalls that occasion. That is not leading.

TRIAL EXAMINER LINDSAY: Oh, I will overrule your objection. Let the record show an exception.

MR. LAUTER: Exception.

TRIAL EXAMINER LINDSAY: Please ask the witness what he observed and what he saw, and let him testify.

MR. KETTERER: Will you read the question?

(The question read by the Reporter.)

Q. (By Mr. Ketterer) All right, now, just describe what you saw on that occasion with respect to that train?

TRIAL EXAMINER LINDSAY: Just a minute. He has not yet said that there was any train there.

MR. KETTERER: I understood him to say he recalls that occasion, your Honor.

TRIAL EXAMINER LINDSAY: Well, I didn't get it.

(The record read by the Reporter.)

TRIAL EXAMINER LINDSAY: I am sorry, I didn't get that.

MR. KETTERER: All right.

MR. LAUTER: I would like to have my objection in the record to this line of inquiry; outside of the scope of any issues in this case, incompetent, irrelevant and immaterial.

TRIAL EXAMINER LINDSAY: Well, I do not think that it is material, but I will overrule your objection. Let the record show an exception.

MR. LAUTER: Exception.

(The question read by the Reporter.)

Q. (By Mr. Ketterer) Just what you saw.

A. On the morning that the Pennsylvania and the Wheeling starting shifting freight at the Republic, I was at the battery of the coke plant watching them shift and the train—this particular engine pulled down below Trump Road under the overhead bridge, and was there for a few moments. I observed a group of 25, more or less, fellows come running down Trump Road; they went down the bank on the other side. Now, that is all I saw from where I was. But the apparent result—

Q. No, no, now.

TRIAL EXAMINER LINDSAY: No.

Q. Don't give anything except what you saw.

A. The engine—in a few minutes the engine came back through there with a wide open throttle and there was no one that I could see was in the cab, no one on the train.

Q. And what happened?

MR. LAUTER: Just a second. I want to move to strike the testimony with respect to this incident.

MR. DAY: Can't we wait until he finishes the incident?

MR. LAUTER: I will permit it to go on a little further before I raise my objection.

Q. (By Mr. Ketterer) Now, what, if anything, happened to that train on the inside of the plant that you saw?

A. I saw the results. I didn't see it happen.

Q. All right, now describe that.

MR. LAUTER: Well, if you please, Mr. Examiner, at this time I would like to note my objection to this line of inquiry. There is no identification of the persons who were involved in this incident. The witness testified that as far as he could see there was no one in the engine. I do not see how it is related to any parties in this action. Entirely incompetent, irrelevant, and immaterial.

TRIAL EXAMINER LINDSAY: Yes, I am going to strike the motion to strike that testimony.

MR. DAY: May the record show—

TRIAL EXAMINER LINDSAY: Let the record show an exception.

MR. DAY: May the record show this also, that we think the circumstances are such as to demand that a clear inference be drawn that the persons involved in this transaction were members of the strikers and CIO?

TRIAL EXAMINER LINDSAY: Oh.

MR. LAUTER: Well, now that is utterly absurd as an inference.

MR. DAY: Who else would do it?

MR. LAUTER: Well, now, that is a question.

TRIAL EXAMINER LINDSAY: Now, just a minute, Mr. Day. You know that that is entirely improper.

MR. DAY: I do not think it is improper.

TRIAL EXAMINER LINDSAY: Oh, yes.

MR. DAY: Now, you had the same situation over in Youngstown.

TRIAL EXAMINER LINDSAY: Well, that doesn't make any difference. You know very well that such an inference could not be drawn.

MR. DAY: We think—Now, we think—Now, since you say that I know very well, let me tell you why I think that inference should be drawn.

TRIAL EXAMINER LINDSAY: This is off the record, this discussion.

MR. DAY: Well, if it is off your record, I would like to have it in our record.

TRIAL EXAMINER LINDSAY: Then we are not going to go into any discussion.

MR. DAY: All right.

(Consultation held between counsel and Examiner off the record.)

(The last question was read by the Reporter.)

A. The results was three tangled and twisted cars, coal cars, and one—the derailing of one box car.

Q. (By Mr. Ketterer) You saw that yourself?

A. I saw that.

MR. LAUTER: I renew my motion to strike on the grounds already stated.

TRIAL EXAMINER LINDSAY: Yes, the motion is granted.

MR. KETTERER: Exception.

Q. (By Mr. Ketterer) Now, during the time that you were in there, Mr. Gibson, from the 25th of May, 1937, until the 30th of June, 1937, I will ask you to state whether or not any order was given you [by] any officer or superintendent or foreman of the Republic Steel Corporation, directing that you could not leave the plant during that period if you so desired.

A. May I have the question re-read?

(The question read by the Reporter.)

A. No, sir. There was no order given me.

Q. What is the fact, Mr. Gibson, as to whether you would or would not have gone home if it had not been for the presence of the pickets at the various entrances of the Republic Steel plant during that period of time?

MR. LAUTER: I object to that, it calls for a conclusion. I don't think counsel is seriously asking that question.

TRIAL EXAMINER LINDSAY: I sustain the objection to that question. Let the record show an exception if you want it.

MR. KETTERER: We will withdraw the question.

MR. LAUTER: I will withdraw my objection.

Q. (By Mr. Ketterer) Will you tell us why, during that period of time, you did not leave the plant of the Republic Steel Corporation to go home?

MR. LAUTER: I object to that question. The reasons being that the motive of this witness is not relevant or material in this case.

MR. DAY: We would like to be heard.

MR. LAUTER: This is direct examination. I would like to remind counsel.

TRIAL EXAMINER LINDSAY: Now, gentlemen, let's get down to actual facts in this case. Now, if you want to go on and ask this man if he attempted to leave the plant, so on and so forth, that is perfectly all right. But not these concluding questions that are constantly being asked.

MR. DAY: Now, I want to just—

TRIAL EXAMINER LINDSAY: Now, you may go ahead and ask, if he attempted to leave the plant, all that sort of thing. If he was driven back, that is one thing.

MR. DAY: On that subject I would like to make

a statement in support of our position. Now certainly we have a right to make a statement in the record in support of our position why we are asking certain questions. Now, the claim is made in this case that these men were kept in the plant against their will by the company, and questions have been asked by Mr. Lauter many times tending to show that the men did not care to leave the plant. Now, we think we have the right to show why they did not leave the plant and go home.

TRIAL EXAMINER LINDSAY: And no one, Mr. Day, is denying you that right, if the questions are asked properly.

MR. DAY: Well, but we think we have a right to show why they did not leave and go home, whether they did or did not actually physically make the attempt to go home. That is clearly an issue in this case.

TRIAL EXAMINER LINDSAY: You may show what was done. There is no doubt about that, but that doesn't mean anything. I could sit back in the plant for 40 years and come out and say that I was afraid to come out.

MR. DAY: Well, if it develops in this lawsuit that these men were kept in the plant because of illegal and unlawful picketing by the C. I. O.—

TRIAL EXAMINER LINDSAY: But you are not showing that by that question.

MR. DAY: Well, now, we asked him why it was that he did not leave the plant and go home.

TRIAL EXAMINER LINDSAY: Well, explain what he did.

MR. DAY: Well, supposing he didn't do anything?

TRIAL EXAMINER LINDSAY: We are not going to argue that any more. That is my ruling on it.

MR. DAY: Now, this is in the record, isn't it?

TRIAL EXAMINER LINDSAY: I haven't taken it out, have I?

MR. DAY: All right. Well, it is in. Go ahead.

MR. KETTERER: I will withdraw that question.

Q. (By Mr. Ketterer) Mr. Gibson, did you at any time from the 25th of May, 1937, until the 30th of June, 1937, attempt to leave the plant of the Republic Steel Corporation and go home?

A. No.

Q. Now, will you give us the reasons why you did not attempt to leave the plant and go home during that period?

MR. LAUTER: Object to the form of the question.

MR. DAY: Now, that is the same matter we have the brief on; we will be glad to show it to the Examiner. I have it here.

TRIAL EXAMINER LINDSAY: Oh, if it will expedite matters, I will overrule the objection. Let him answer.

MR. LAUTER: Exception.

Q. (By Mr. Ketterer) All right, go ahead and answer.

A. Violent picketing.

TRIAL EXAMINER LINDSAY: The word "violent" is stricken out.

MR. KETTERER: That is all.

Cross Examination

Q. (By Mr. Lauter) You stayed in the mill on May 25th, is that correct?

A. Did I what?

(Last question read by the Reporter.)

A. That is not correct.
Q. Were you in the mill on May 26th?
A. Yes.
Q. How long did you stay in the mill?
A. Until June 30th.
Q. Did you get paid during that time?
A. I did.
Q. How many hours a day did you work?
A. I worked eight hours a day.
Q. How much did you get paid for?
A. My average rate.
Q. Is that all you got paid for? Your average rate?
A. Will you state the question again, please?
(Last question read by the Reporter.)
A. My average rate per hour.
Q. That is your average rate before you went out on strike, you got paid the same about after?
A. I didn't go out on strike.
Q. Well, before the strike took place?
A. Yes.
Q. You got the same pay after you had stayed in the mill, subsequent to May 26th, is that correct?
A. Per rate per hour, the average rate per hour.
Q. For how many hours a day did you get the average rate?
A. Time and three-quarters on the eighth.
Q. Time and three-quarters?
A. Yes.
MR. LAUTER: Will you read back all of the testimony of this witness, please?
(The cross examination of the witness read by the Reporter.)
Q. What was your average rate prior to May 25th?
MR. DAY: You mean per hour?
MR. LAUTER: That is right.
A. $1.32 .

Q. $1.32 per hour?
A. That is right.
Q. You got that for eight hours for each day?
A. That is right.
Q. May 26th to June 30th, how much did you get per hour?
A. I told you there.
Q. Just answer my question. From May 26th to June 30th, how much did you get per hour?
A. $1.32.
Q. $1.32?
A. Yes.
Q. For eight hours?
A. For 14 hours.
Q. For 14 hours?
A. Time and three-quarters.
Q. And you got $1.32 for 14 hours for how many days each week during the period from May 26th to June 30th?
A. Will you state that again, please?
MR. LAUTER: Read the question to him, Mr. Reporter.
(The last question was read.)
A. Six; seven. Seven days in the week.
Q. You went out of the mill on June 30th?
A. That is right.
Q. Is that correct?
A. Yes, sir.
Q. When did you return?
A. That evening.
Q. And worked every day after that after June 30th?
A. I did.
Q. Have you lost any time between May 25th and July 15th?
A. I didn't.
Q. Are you still receiving pay for time and three-quarters?

A. I am not.

MR. DAY: I didn't hear the answer. Will you read that, Mr. Reporter?

(The last answer was read.)

Q. You testified about a freight train. Can you identify any of the persons; some 25 persons.

MR. LAUTER: Has that been stricken?

MR. DAY: I thought it was.

TRIAL EXAMINER LINDSAY: Yes, Mr. Lauter.

MR. LAUTER: I withdraw my question.

Q. Now, I am only asking as to whether or not you worked on May 25th or not. I am not clear on that. Did you work that day?

A. I worked that day.

Q. What turn?

A. 8 to 4.

Q. Did you go back to the mill that day?

A. That evening.

Q. What time?

A. Before eight.

Q. What was the name of your foreman?

A. You mean the—

Q. What is the name of your foreman out there on May 25th?

A. Watkins.

Q. Watkins?

A. Yes.

Q. Did you have a conversation with him before you returned at 8 o'clock?

A. No.

Q. Did you have a conversation with any other employees between 4 and 8 that day?

A. That day?

Q. That is right.

A. Yes.

Q. Some of the employees in your department, did they return at the same time you did?

A. Yes.

Q. Whom did you return with?

A. A Mr. Himton.

Q. How do you spell that?

A. H-i-m-t-o-n.

Q. Where did you meet him?

A. I picked him up at his house.

Q. What is Mr. Himton's position in the mill?

A. A weigh master.

Q. A weigh master?

A. That is right.

Q. What department is that?

A. The bar mill.

Q. What is the work of a weigh master?

A. Weighs the finished steel.

Q. Did you say you picked him up or he picked you up?

A. I picked him up.

Q. In your automobile?

A. That is right.

Q. And you drove him down to the plant?

A. That is right.

Q. Anybody else?

A. Berrang.

Q. How do you spell that?

A. B-e-r-r-a-n-g.

Q. Did you pick him up also?

A. I did.

Q. What is his position?

A. Mill laborer.

Q. Whom else did you pick up that day, if anyone?

A. That is all.

Q. About what time did you pick up Mr. Himton?

A. I would say shortly after seven.

Q. What time did you pick up Mr. Berrang?

A. Around 6:30.

Q. Who suggested to you that you pick up each of these men?

A. We had talked it over.

Q. Who had talked it over?

A. The three of us.

Q. You worked in the same department?

A. We did.

Q. That is, in the bar mill department?

A. That is right.

Q. When did you talk it over?

A. We had talked it over three or four days.

Q. When did you start your first conversation with these two gentlemen?

A. I don't recall.

Q. What was the substance of it?

A. What we would do if there would be a strike.

Q. What did you decide about it?

A. We made inquiry to see if the mill would operate.

Q. From whom did you make inquiry?

A. Well, I can't recall any one set person that I asked, but I know I asked various fellows in the mill. We found out that the mill was going to operate if they had enough men.

Q. Whom did you find it out from?

A. From the various rumors.

Q. You found out from the various rumors that the mill was going to operate?

A. That is right.

Q. Was that as high as you went in order to inquire as to whether or not the mill would operate?

A. That is right.

Q. That is as high as you went?

A. That satisfied me.

Q. The rumor satisfied you that the mill would oper-

ate?

A. It did.

Q. If there were enough men?

A. Yes.

Q. Did you speak to your foreman about it?

A. I did.

Q. What is his name?

A. Watkins.

Q. What is that?

A. Watkins.

Q. How long before May 25th did you speak to him?

A. I don't recall.

Q. A day or two?

A. Possibly.

Q. Longer than that?

A. I wouldn't say.

Q. You don't remember?

A. No.

Q. Do you remember speaking to him?

A. I remember mentioning it.

Q. Mentioning what?

A. That if the mill worked I would be back in.

Q. What did he say?

A. I don't know.

Q. You don't remember a word he said?

A. No.

Q. How many times did he speak to you?

A. That is all.

Q. Just once?

A. Yes.

Q. Is that right?

A. Yes.

Q. All you said to him was what? Let me have it once more.

A. I told him that if the mill operated I would be back in.

Q. You considered that an inquiry? Was that an inquiry that you made of him?

A. No, that was a statement.

Q. Did you make an inquiry of anyone else except the employees?

A. No.

Q. Did you make no other inquiry?

A. No.

Q. That is the only foreman you spoke to?

A. Yes.

Q. Did you speak to any superintendent?

A. He is a superintendent.

Q. Now just exactly what is his title?

A. He is a bar mill superintendent.

Q. You aren't a foreman yourself, are you?

A. No, sir.

Q. How long did you say you worked in the mill?

A. Since the early part of 1934.

Q. And you are a strander?

A. That is right.

Q. You got $1.32 an hour?

A. That was our average.

Q. Mr. Watkins, is he your bar mill superintendent; is that correct?

A. That is right.

Q. Was there a foreman between Mr. Watkins and yourself?

A. There is.

Q. What is his name?

A. He is an assistant.

Q. What is his name?

A. Deibel.

Q. How do you spell it?

A. D-e-i-b-e-l. I wouldn't say for sure.

Q. You had no conversation with him?

A. I didn't.

Q. Was there a foreman also?

A. Yes.

Q. What was his name?

A. Cunningham.

Q. Now, Cunningham is the foreman, is that correct, and not Watkins?

A. Cunningham is the turn foreman.

Q. Turn foreman?

A. Yes.

Q. Now, did you have any conversation with either of these three men about the fact that you were going to get time and three-quarters for the time that you would spend in the mill after you went back?

A. I didn't.

Q. When was the first time that you knew that you were going to get that much money?

A. I don't recall.

Q. Well, you got paid in the mill, didn't you?

A. Yes, sir.

Q. When was the next pay day after May 25th?

A. Some time in June.

Q. You got paid twice a month?

A. That is right.

Q. What were the pay days, if you can recall?

A. Close to the 8th and the 23rd.

Q. Was that the 8th and the 23rd?

A. Yes.

Q. So that by June 8th you knew that you were going to get paid time and three-quarters? You received your check on that day, is that right?

A. That is right.

Q. Now, when you men got into the mill on May 25th, were there cots there?

A. What?

Q. Cots—c-o-t-s?

A. I didn't see any.

Q. Did you sleep in any?
A. When?
Q. On May 25th?
A. Not on May 25th.
Q. Where did you sleep that night?
A. I didn't go to bed until after midnight.
Q. After midnight?
A. That is right.
Q. Where did you sleep?
A. Well, I slept on a cot.
Q. How long past midnight did you go to sleep, do you recall?

MR. DAY: Will you read that question?

(The last question was read.)

A. I can't say; around 2 o'clock possibly.
Q. And you saw cots then, did you?
A. A cot.
Q. You say you saw a cot?
A. That is right.
Q. Where did you get the cot?
A. Will you read that?

MR. LAUTER: Read the question to him.

(The last question was read.)

A. Where did I get the cot?
Q. That is right.
A. I got it in the bar mill stock house.
Q. Were there a lot of other cots there?
A. Possibly two or three there, I think.
Q. Those were all the cots that you saw there?
A. That is all I saw.
Q. Now, you went back with a man by the name of Berrang?
A. Yes.
Q. Did they sleep on cots, do you know?
A. I can't tell you.
Q. Did you see any other men take any cots out of

the storehouse?

A. Will you read the question?

MR. LAUTER: Read the question to him.

(The last question was read.)

A. No.

Q. Did you see any other men take any cots out of the stock house?

A. No.

TRIAL EXAMINER LINDSAY: (To the Witness) Don't you hear well?

THE WITNESS: Not at times; it all depends on my head.

TRIAL EXAMINER LINDSAY: Just talk a little louder, Mr. Lauter.

Q. Did you see any taken out of the stock house?

A. No.

Q. Now, did you eat in the plant during all this time?

A. I did.

Q. Did you have to pay for the food that you got?

A. I did.

Q. Where was that food served?

A. In the restaurants.

Q. Is that served at the regular price or did you get a reduced rate on it?

A. Served at regular prices.

Q. Did you get any tickets in order to get food?

A. I did.

Q. Were those tickets sold at reduced prices?

A. They were not.

Q. The same price as previously, or had there never been tickets before?

A. Will you read the question?

MR. LAUTER: I will withdraw the question.

Q. Prior to the strike, did they still have tickets in the plant?

A. They did.

Q. Were those the same tickets?
A. The same kind.
Q. And the same prices?
A. That is right.
MR. LAUTER: That is all.
MR. KETTERER: That is all, Mr. Gibson.
(Witness excused.)

HARLEY A. GATHERS

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Ketterer) Your name is what, please?
A. Harley A. Gathers.
Q. And you live where, Mr. Gathers?
A. On Kent Street, N. W., Canton, Ohio.
Q. And where are you employed?
A. At Republic Steel.
Q. How long have you worked for the Republic Steel Corporation?
A. 15 years last March.
Q. In what capacity are you employed there at the present time?
A. I am a heater in the 35-inch mill.
Q. Were you so employed on the 25th of May, 1937?
A. I was.
Q. Now, what turn did you work on the 25th of May, 1937?
A. 4 to 12 in the afternoon.
Q. 4 to 12 in the afternoon?
A. Yes, sir.
Q. Now, what is the fact as to whether or not the strike had started before the end of your turn on that date?
A. It did.

Q. Did you attempt to leave the plant--

A. I didn't.

Q. —on that date?

A. I didn't.

Q. Did you go out to the main gate or the entrance you used in going from the plant?

A. No, sir.

Q. How long did you remain in the plant after the 25th of May, 1937?

A. I stayed there until I believe it was the 30th of June when they started to going back and forth to work.

Q. You say that you made no attempt to leave the plant during that period of time?

A. I didn't.

Q. Will you give your reasons for not attempting to leave the plant at that time?

MR. LAUTER: I object to the question.

TRIAL EXAMINER LINDSAY: Yes. I will sustain the objection.

(Discussion off the record.)

MR. KETTERER: I withdraw the question for the time being.

Q. Now, at the time that you were in there from the 25th of May, 1937, until the 30th of June, 1937, describe what you saw, if anything, around the various gates or entrances to the plant of the Republic Steel Corporation.

A. Well, there was only two entrances that I ever went to.

Q. All right. Which ones were they?

A. The one at the main gate, at the office; and the one at the Eighth and Belden.

Q. Now, what did you observe around those gates, if anything?

A. Well, sometimes we would go up to the main office and there would be maybe 50 or 75 pickets up there; all armed with clubs; and maybe the next time we would

go up there, there would only be a dozen or so. One day I was up at the gate and they had the street completely blocked with automobiles, and they would not leave anybody go up and down the street, and the sheriff—the deputy sheriffs—his car was there, and arguing with them, trying to get the street open, and I don't know how long they had been there before he was there but I was there possibly a half an hour before they finally got them to disburse and open the street up; and in the meantime, well, they were taken—while they were talking to the sheriff there was a loud speaker up there, and they hollered through the loud speaker that if we didn't come out they was coming up after us. I didn't go around the different picket lines; that is the one that I saw mostly, and it was the one at the office. I didn't have any occasion to go around the other ones. We did have ball games on Sunday afternoon and we would see pickets walking up and down the railroad track, and they would all carry clubs.

Q. (By Mr. Ketterer) Now, I will ask you, Mr. Gathers, whether at any time when you were in there from the 25th of May, 1937, until the 30th of June, 1937, you ever received any direction or order from any officer or superintendent or foreman of the Republic Steel Corporation, ordering you to stay in the plant during the period of the strike commencing on the 25th of May?

A. I did not.

Q. You may state whether or not during that period of time you observed any other men leave the plant of the Republic Steel Corporation?

A. I did. I was up at the office one day when I took some laundry up to mail it home and while I—when I went through the gate, the police gate going over to the office, there was a fellow that worked in the open hearth, I don't know his name, Big Joe is what he is known by in the mill, I didn't know his name, and his wife was there crying and coaxing him to go home, she said she had been threatened

and she was afraid to stay at home alone.

And after I got in the office I saw him going out with her. And after they got over to the picket line they stopped and talked to the pickets for a while and then went on down the street, and I do not know where they went. I couldn't see any farther than that.

Q. Now, will you tell us your reasons for not leaving the plant of the Republic Steel Corporation during the period from May 25th until the 30th of June, 1937?

MR. LAUTER: I object to that question, incompetent, irrelevant, immaterial; calls for motives and speculation of this witness.

TRIAL EXAMINER LINDSAY: Oh, I will overrule the objection. Let the record show an exception. You may cross examine on it.

MR. LAUTER: Exception.

MR. KETTERER: Will you read the question?

Q. (The last question was read by the Reporter.)

A. Well, in the first place, our department wasn't organized. I didn't know of a man in our department that belonged to the C. I. O., and that is the reason we stayed in there. Well, I would say I stayed in there, I can't speak for the rest. And if you would go up and take a look at the crowd on the picket line why you would have to have plenty of nerve—

TRIAL EXAMINER LINDSAY: Now, that last.

MR. LAUTER: I move that be stricken out.

MR. KETTERER: That last may go out.

TRIAL EXAMINER LINDSAY: That last is stricken out of the record, entirely.

Q. Just your reasons, now, why you did not leave the plant. Now your conclusions as to—

TRIAL EXAMINER LINDSAY: I think he has stated his reason. Read me the last answer that was not stricken out.

MR. KETTERER: He only stated part of it, if your Honor please.

(The answer read by the Reporter.)

TRIAL EXAMINER LINDSAY: That last part is stricken out.

MR. KETTERER: That last part is stricken out.

Q. (By Mr. Ketterer) Now, is there any other reason other than the one that you have given for your staying in the plant during that period?

A. Well, as I said, the plant—our department not being organized, I couldn't see why I should go out of there and leave my job and go home and miss working while that strike was on.

Q. Were you paid for the time that you worked?

A. I was.

Q. And how many hours a day did you work?

A. Eight hours.

Q. And at what rate were you paid during that period from the 25th of May, 1937, until the 30th of June, 1937?

A. You mean the rate, or the hours?

Q. The hourly rate?

A. Well, we worked on a tonnage basis, our rate will average somewhere around $1.50 an hour.

Q. And during the period of time from the 25th of May, 1937, until the 30th of June, at what hourly rate were you paid for an eight hour day?

A. Well, we got time and three-quarters, which was 14 hours, for working eight.

MR. KETTERER: That is all.

Cross Examination

Q. (By Mr. Lauter) Did you leave the mill on May 25th?

A. I was there.

Q. I say, did you leave the mill on that day?

A. No, sir.

Q. You stayed in the mill from May 25th to June 30th, is that correct?

A. That is correct.

Q. Now, the strike was called prior to 12 o'clock May 25th, is that correct?

A. Well, I couldn't say what time the strike was called. We heard in the mill that there was pickets up there at 9:30, around 9:30, so I imagine that the strike was called before the pickets were sent out there.

Q. Well, did you work until 12 o'clock?

A. I did.

Q. Or did you knock off work a little before that?

A. No, sir, we change shifts at a quarter of 12:00?

Q. Well, on May 25th did you work until a quarter of 12:00?

A. I did.

Q. And what did you do at a quarter of 12:00?

A. Well, we—

Q. Not "we" what did you do personally? What did you do?

A. Well, I believe the first thing I did after I got through, I went back in the shower room and took a shower and cleaned up and went over to the restaurant and got a cup of coffee and ate a sandwich, and sit around and talked to different fellows in there, and of course naturally we discussed the strike, what the outcome was going to be.

Q. Now, at 12 o'clock, prior to your stopping work, you knew there was a strike on, is that correct?

A. That is correct.

Q. Now, did you have any discussion with any of the

other employees about whether or not you or they would stay in the mill?

A. Oh, yes, we had been talking about it for several days.

Q. Well, with whom had you talked about it for several days?

A. What was the question?

Q. With what other employees had you talked about it for several days?

A. Well, I couldn't name them exact, but the crew on the soaking pit, your—the other heater and boiler makers, pit recorder, the cranemen, and practically all of the men that works on the soaking pit.

Q. Did you have any group meetings at which you discussed this question?

A. No.

Q. Well, did you talk to each other only individually, or did you talk with some of them in groups?

A. Well, if we had time, if the mill had a delay or something, and there was a group of men around, they would naturally talk about it, maybe five or six men, something like that.

Q. Now, where did you speak to these five or six men? Right in the mill?

A. Right on the soaking pit floor.

Q. On the soaking pit floor? Where is the soaking pit floor located? In what plant is that?

A. That is, do you mean what department of the mill?

Q. That is right, what department?

A. Well, that is in the 35 inch blooming mill.

Q. It is not clear to me whether you work in Canton or Massillon?

A. Canton.

Q. Canton? And do you recall any of these discussions with five or six men on the soaking pit floor? Do you recall when they took place, for example?

A. Well, I couldn't say that.

Q. I am not trying to pin you down to the particular hour or minute, but did they take place a day or two or three days before the strike?

A. Well, practically every day for, oh, I would say three or four days before the strike, why the fellows were expecting the strike and they naturally was discussing it.

Q. Now, what is the name of your foreman?

A. William B. Parry.

Q. And would he be around when these discussions took place?

A. Well, sometimes he might happen along, and he is just—is human like everybody else, he would talk about the strike once in a while, just an offhand way.

Q. Well, he was present when some of these discussions took place, is that correct?

A. Well, I would not say that he wasn't present when any of them was discussed. He may have happened along when a group of men would be talking, and he would stop and talk right along with us.

Q. Well, I appreciate that a superintendent is human, like anyone else, or foreman. Now, he stopped off and he heard these discussions that took place, is that correct? At least one, to your own recollection?

A. He probably did.

Q. This was on the soaking pit floor?

A. That is right.

Q. And this is in the Canton plant and you are a heater, is that right?

A. That is right.

Q. That is the 35 inch mill?

A. That is right.

Q. What was the nature of the discussions that you had with these men?

A. Well, they would—the men would talk a lot on what they were going to do if a strike was called, and that

is the reason I said that I didn't know of a man that belonged to the C. I. O. because everyone you talked to on the soaking pits, they said they were going to stay in if there was a strike called. So that was generally the nature of the conversation, if the strike was brought up, why you would hear this fellow say, "Well, if they pull a strike I am going to stay in here."

And we even sort of made it up among ourselves that if we got any tip around the mill or anything that we thought there was going to be pulled a strike, why we would notify some of the other men on the outside so they could get in.

Q. Did you notify any of the other men on the outside?

A. We did.

Q. About how many men did you notify?

A. Well, we notified the men on the soaking pit and we left the mill crew take care of themselves. That was up to them.

Q. How many men are there in the soaking pits?

A. Well, there is six heaters, nine boiler makers, nine crane men, a recorder and a cinder man and coke man.

Q. Is that for all of the shifts or just for each turn?

A. That is—well, now, I named all of the heaters and crane men and boiler makers for all shifts. But there is one cinder man and one coke man on each shift.

Q. I see.

A. That would be three of each of those.

Q. Did you notify any of these men?

A. No, I didn't, because they were practically all in there, before we really knowed ourselves, because they had got the evening paper and they saw in the paper—

TRIAL EXAMINER LINDSAY: Now, wait a minute.

THE WITNESS: Well—

MR. LAUTER: I move that remark of the wit-

ness as to what they saw in the paper be stricken.

TRIAL EXAMINER LINDSAY: Yes, that is stricken from the record.

Q. Well, do you know whether any of them were notified by any of the men in the mill?

A. I don't know for sure.

Q. You don't know whether any of them were called up and told about the fact that they ought to get back into the mill?

A. Well, I couldn't say for certain if anyone had called anyone else up that evening, I couldn't say that.

Q. Well—

A. I know there was a lot of the fellows intended to do that. That was the agreement. But I couldn't actually say that anyone did it that evening.

Q. Well, was there any agreement as to who was to do the calling?

A. No, each man sort of made it up with his buddy, the man that relieved him, that he would call him.

Q. And was Parry to call someone?

A. Not that I know of.

Q. Well, he was present when the agreement was made, wasn't he?

A. No, I wouldn't say so; I don't know if he was.

Q. You don't recall whether he was present at the conference?

A. No.

Q. Was the discussion about an agreement?

A. Well, we may not have been talking about that particular thing when he was there. Now I wouldn't say that; I wouldn't know anything about that agreement.

Q. You don't know whether or not they had an agreement on that, do you?

A. What?

Q. You don't know whether or not the men actually did call anybody, is that right?

A. No, I don't.

Q. Now, when those men came into the mill, the men who were on duty at that time, did you have any conversations with them that evening?

A. Yes, I did.

Q. Well, did they tell you how they happened to be there in the mill?

A. Well, I tried to answer that question.

TRIAL EXAMINER LINDSAY: Wait a minute. We don't need that at all. Answer the questions when they are asked.

Q. You state what conversation you had with them.

A. Well, the men said they read in the paper that there was to be a big mass meeting down at the Music Hall; down at East Tuscarawas Street, and they took it for granted that there was to be a strike held in the mill, so they came in before that strike was called.

Q. Now, how many men did you speak to? Who told you that story?

A. Now, I don't think I talked to anyone outside of the night crew on the soaking pits.

Q. How many did your crew on the soaking pits consist of?

A. Well, I didn't go to all of them.

Q. About how many did you speak to?

A. Probably half a dozen or so.

Q. And some of them had been called to come to work?

A. I can't say for sure.

Q. Well, I am asking you whether or not in the conversations that you had with them, did anyone tell you that they had been called to come to the plant?

A. No.

Q. You testified a man by the name of Big Joe. Remember that testimony on direct examination?

A. Yes.

Q. You saw him leave the plant, is that right?

A. Yes.

Q. Now, prior to that you saw his wife crying and coaxing him to go home?

A. That is right.

Q. Where were you at the time you saw his wife crying and coaxing him?

A. Well, when you go out of the mill to the office you have to pass the police booth.

Q. Now, are you referring to the main office?

A. That is right.

Q. Here in Canton?

A. That is right.

Q. Yes.

A. His wife and he were standing at the police booth talking, and I had to pass, to walk past them to go over to the office.

Q. And you overheard the conversation as you went by?

A. No, I didn't.

Q. Well, how did you know that she was coaxing him to go home?

A. Well, I just took it for granted that that was going on.

Q. That is, you don't know really what conversation took place?

A. I didn't hear the conversation.

Q. Then you passed them and went on before you saw him actually leave, is that correct?

A. That is right.

Q. Did he leave through a gate near the police booth?

A. That is right.

Q. About how far away from the police booth were you when you saw him leave?

A. Well, you see, I didn't see him leave the police booth because there is a garage between the office and the

police booth and I was up in the office on the first floor, and I saw him after they got past the garage walking up towards Eighth Street.

Q. Now, you say you saw him when he was outside the plant?

A. He was still on Company property but he wasn't out to the street yet. He was between the police booth and the street.

Q. I see. About how far away from him were you at that time?

A. Well, I suppose that office is probably 100 or 150 feet from the booth where you walk out to the street.

Q. Did you say there was some conversation between the deputy sheriffs and others on one occasion about clearing streets?

A. That is right.

Q. Was that the same time that Big Joe went out?

A. No, it wasn't.

Q. Well, the time that Big Joe went out, were there any pickets out there?

A. There was.

Q. Did they have clubs in their hands?

A. Some of them.

Q. About how many of them were there at that time?

A. Well, that day I would say possibly between 15 and 20.

Q. 15 and what?

A. 15 and 20.

Q. How many of those men had clubs?

A. Well, I couldn't say; I wouldn't say they all had clubs in their hands but some of them did.

Q. You have testified about a case where there were 50 or 75 persons outside of the gate?

A. Yes.

Q. On that occasion, did they all have clubs?

A. Well, I would say the most of them did; I wouldn't say they all did, but the majority of them did.

Q. If you testified on direct examination, and that testimony would show that all of them had clubs, would you want to change it?

A. Yes, if they says they all had, why, I couldn't say that, that they all did.

Q. That is not correct, is it?

A. No, but the majority of them had.

Q. Now, on this occasion when you say 15 or 20 were there, they didn't all have clubs, did they?

A. I couldn't say they all had.

Q. Approximately how many did have clubs?

A. Well, I couldn't say for certain; probably half of them; maybe more than that.

Q. You didn't see any injury done to Big Joe, did you?

A. No, I didn't.

Q. He is the only one that you saw try to leave the plant?

A. No.

Q. Whom else did you see try to leave the plant?

A. Well, I saw a couple of other fellows going out under the same conditions but I can't tell you what their names are.

Q. Well, they left when there were pickets there with clubs in their hands, is that right?

A. That is right.

Q. You saw them get injured?

A. No.

Q. Have you ever seen anyone get injured by a picket with a club?

A. No, I never did.

Q. Can you identify any of the persons who carried a club?

A. I never saw a man out there that I knew. Only

one night I did see a fellow was driving a truck and was taking sandwiches around to the pickets; that is the only fellow that I could say I identified on the picket line.

Q. He wasn't carrying a club, was he?

A. Well, I didn't see what he carried in the cab.

Q. Well, you didn't see it?

A. No, I didn't.

Q. Now, you got how much pay for staying in the plant?

A. We worked 8 hours and got paid for 14; that was time and three-quarters.

Q. Do you know what previous arrangements had been made for men in the plant?

A. No, I didn't.

Q. Well, you slept on a cot, didn't you?

A. Yes.

Q. They had provided for on the night of the strike?

A. Well, not right away.

Q. When?

A. We didn't have any cots for several hours that night, and everybody was around asking, and everybody else where they was going to get a place to sleep, and finally a truck came down between the blooming mill and the open hearth and it had a lot of cots and mattresses, and we got a cot and took it back in the washroom and went to sleep.

Q. About what time did you get your cot?

A. Well, I would say it was around 4 o'clock in the morning.

Q. Prior to that some of the men did have some cots?

A. That was the first one I saw.

Q. Do you know who brought those cots in?

A. No, I don't; it was a Company truck that had them on but I couldn't say where he got them.

Q. It was a Company truck that was carting the cots?

A. That is right.

Q. Had you previously brought any clothes in there to stay for the duration of the strike?

A. No, sir.

Q. You had your regular working clothes, didn't you?

A. Yes, sir. I just had a change of clothes there.

Q. You had a normal amount of clothes?

A. Yes, sir.

Q. You had not prepared yourself for the strike?

A. No, sir.

Q. When did you just find out that you were going to get an increase in pay for remaining in the plant?

A. Well, I can't say for certain but I would say it was the third or fourth day after we were in there.

Q. Who told you you were going to get an increase?

A. Well, we put it up to our superintendent; then he said the Committee should go up to Richardson's office; that is the plant superintendent, and he told us what our pay would be.

Q. You say you put it up to him?

A. We—yes, we put it up to our superintendent, and he said—I don't know for sure what arrangements they were working—and he asked us to form a Committee of our own and go up to the office and see Richardson—that was the plant superintendent.

Q. Did you form such a Committee?

A. Yes, sir.

Q. Were you on the Committee?

A. I was.

Q. Did you go to see Mr. Richardson?

A. That is right.

Q. What took place there?

A. Well, we talked to him and told him what we wanted up there, so he asked what we thought the men would be satisfied with, so we argued back and forth for a while, and finally he told us they would pay us time and three-quarters.

Q. Did you ask for more than that when you went up there?

A. No, they—you know, it is generally a fact amongst men when they ask for a raise, they try to get all they can; naturally they all asked for more but—

Q. Did you ask for more?

A. All of us; but that is what we agreed to.

Q. Did you ask for more when you went up to Mr. Richardson?

A. Some of the men, they thought they should get double time.

Q. And Richardson cut them down to time and three-quarters?

A. That is right.

Q. Now, did you represent a particular group that went up there?

A. Yes. It was Robert Cook—

Q. Without naming them, was it a particular group of workers in the plant?

A. Yes, sir.

Q. Soaking pit workers?

A. No, it was a group all over the blooming mill—that is the 35-inch mill.

Q. I am referring to the group that you represented.

A. That is what I am talking about.

Q. Did these other men represent the same group?

A. When they formed a Committee to go out, the Committee was representing the whole department.

Q. Did you report back to the men what they were going to get?

A. That is right.

Q. This happened about two or three days after the strike began?

A. Yes, sir.

Q. Did these men think it was satisfactory?

A. They did.

Q. When you went to see Richardson, did he indicate whether or not that time and three-quarters was going to be paid the rest of the mill?

A. Yes, he gave us to understand that was going to be the standard set up all over the plant.

Q. Did he tell you when that was going to be?

A. No, he didn't.

Q. But he knew that two or three or four days after the strike had begun?

A. That is right.

Q. My question is whether or not he told you that that was going to be namely: That the entire plant knew it was going to receive time and three-quarters?

A. Well, he didn't say exactly that was decided. I suppose that he got his orders in there—but he didn't say just when he got those orders; just how much he was going to pay the men.

Q. Did you get paid for seven days a week while you were in the mill during that period?

A. I did.

MR. LAUTER: That is all.

MR. KETTERER: That is all.

(Witness excused.)

TRIAL EXAMINER LINDSAY: We will take a short recess.

(Recess had.)

TRIAL EXAMINER LINDSAY: The hearing is called to order.

E. D. GIBSON

resumed the stand and testified further as follows:

MR. KETTERER: This witness has testified before. I want to ask him another question.

Direct Examination

Q. (By Mr. Ketterer) Mr. Gibson, you testified in this hearing a little while ago, is that a fact?

A. That is right.

Q. Now, I will ask you whether or not you want to correct the testimony that you gave a little while ago in any particular?

A. I wish to.

Q. Now, in what respect do you wish to correct that testimony?

A. In respect to the meal books that were issued.

Q. Now, will you tell the Court the fact as you now understand it in respect to the meal books?

A. Why, previous to the strike when a meal book was issued to you, you signed a receipt to that effect; that was deducted from your pay. During the strike you were given a requisition, received the meal book but that was not deducted from your pay.

MR. KETTERER: That is all.

Cross Examination

Q. (By Mr. Lauter) Did you get a meal book subsequent to the strike?

A. Yes.

Q. Did you use that meal book?

A. I did.

Q. Was any deduction made from your pay?

A. You mean, did I get a meal book before the strike?

Q. No, after the strike.

A. Yes, after the strike I did.

Q. And was any deduction made from your pay for that meal book?

A. Not for that meal book, no.

Q. And you used that meal book to get meals?

A. That is right.

Q. In the plant?

A. That is right.

MR. LAUTER: That is all.

TRIAL EXAMINER LINDSAY: Just why did you not divulge that truth on cross examination?

THE WITNESS: I became confused and was thinking of the fact of the requisition, there would be a receipt for practically the same thing.

TRIAL EXAMINER LINDSAY: But you were asked the direct question if you had to pay for those meals during the time you were in there and you said no.

THE WITNESS: Well, they were—I paid for them, but with the meal book.

TRIAL EXAMINER LINDSAY: Yes, but you didn't pay for them. You got the meal book for nothing, isn't that right?

THE WITNESS: That is right. But I still paid for the meals with the meal book money.

TRIAL EXAMINER LINDSAY: But you didn't pay for the meal book itself?

THE WITNESS: That is right.

TRIAL EXAMINER LINDSAY: Therefore the conclusion is, you got them for nothing?

THE WITNESS: That is right. That is where I became confused.

MR. DAY: That is all.

(Witness excused.)

WILLIAM C. GREENWALD

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Ketterer) You may state your name, please.

A. William C. Greenwald.

Q. Where do you live, Mr. Greenwald?

A. 412 Post Court, N. W.

Q. By whom are you employed?

A. Republic Steel.

Q. For how long were you employed by Republic Steel?

A. About 19 years.

Q. And in what capacity are you employed at the present time?

A. Heater.

Q. In what mill?

A. The 35 inch mill.

Q. Were you so employed on the 25th day of May, 1937?

A. I was.

Q. Will you tell us what turn you worked on that day?

A. I worked 8 to 4:00.

Q. From 8 in the morning until 4:00 in the afternoon?

A. That is right.

Q. When, prior to midnight of the 25th of May, 1937, did you go into the plant after your 4 o'clock turn ended?

A. I quit at 4 o'clock, came up to the Square, got off of the bus, got a drink of water and I heard a couple of fellows say, "They are pulling a strike tonight." I went home and ate, went right back to work.

Q. About what time was that?

A. I think it was around 5:30 that I went back in the mill.

Q. 5:30?

A. 5:30 that night, I think it was about 5:30.

Q. Now, for what period of time did you stay there?

After the 25th of May, 1937?

A. The 30th of June.

Q. Now, did you at any time visit any of the entrances of the Republic Steel Corporation in the City of Canton during that period of time from the 25th of May, 1937, until the 30th of June, 1937?

A. Sometimes.

Q. Well, how often on an average did you visit the entrances?

A. Well, when I wasn't working I would go around there to see who was out there.

Q. Now, just tell the Court what you observed on the occasion of these visits to these various entrances.

A. Well, I just seen the pickets out there; some had clubs; some didn't.

Q. Now, did you visit all of the gates during that period of time?

A. Well, we went around at different times. We went around the different ones that we just looked around to see who we could see.

Q. Now, did you see anybody attempt to leave the plant while you were there from May 25th, 1937, to the 30th of June, 1937?

A. No.

Q. You didn't?

A. No.

Q. Now, I will ask you to state, Mr. Greenwald, whether or not you received any instructions from any foreman or any superintendent or any officer of the Republic Steel Corporation—

A. None at all.

Q. —directing you to report to the plant on or about May 25, 1937?

A. None at all.

Q. And during the time that you stayed in the plant from May 25th, 1937, until the 30th of June, 1937, I will

ask you to state whether or not you received any order or direction from any foreman or superintendent or officer of the Republic Steel Corporation directing you to stay in the plant?

A. None at all.

Q. Will you tell us your reasons for not leaving the plant during that period of time?

MR. LAUTER: I object to the form of the question.

TRIAL EXAMINER LINDSAY: I really don't see the purpose to be served by those questions. I will sustain the objection. An exception may be noted in the record.

MR. LAUTER: Exception.

(Discussion off the record.)

MR. KETTERER: Will you mark this Respondent's Exhibit 18 for identification?

(Thereupon the document above referred to was marked Respondent's Exhibit No. 18 for identification.)

Q. Now, Mr. Greenwald, I hand you a paper designated Respondent's Exhibit 18 for identification and ask you if you ever saw a paper like that before (handing a paper to the witness)?

A. I have.

Q. Where?

A. There was an airplane flew across the Republic Steel and dropped a bunch of those out in the mill yard.

Q. When was that?

A. Well, right after a ball game that we had.

Q. In respect to the date of May 25th or June 30th?

A. It was in between there but I couldn't tell you the date because I didn't keep the record. I was in there working.

Q. What is the fact as to whether it was in between

those two dates: May 25th, 1937, and June 30th, 1937, during the strike?

A. It was in between those two dates, but I can't recall the date.

MR. KETTERER: We offer Respondent's Exhibit 18 in evidence in connection with the testimony of this witness.

MR. LAUTER: I object to it on the ground that it is incompetent, irrelevant and immaterial and it does not show as to who operated the airplane that dropped these cards. May I state at this time further, Mr. Trial Examiner, that this whole line of testimony is improper and irrelevant and immaterial? That they have shown on direct examination a considerable number of acts of violence and trailing of organizers and then there has not been any defense testimony offered in that respect but instead that we have a lot of irrelevant and immaterial leaflets circulated by some airplane that has not been identified some time in between May 25th and June 30th.

MR. DAY: May I suggest that this is the first leaflet we have introduced?

MR. LAUTER: It is not the first one that is incompetent, irrelevant and immaterial.

TRIAL EXAMINER LINDSAY: I will take Exhibit No. 18 under advisement.

MR. KETTERER: That is all.

Cross Examination

Q. (By Mr. Lauter) You are on the 8 to 4 turn on May 25th, is that correct?

A. That is right.

Q. You went home and you ate and you came back at 5:30?

A. About 5:30.

Q. Did you have any conversation with any of the men in the plant or any foreman in the plant?

A. No, only I got out there to the Square and I got a bus and I heard a couple of fellows saying there was going to be a strike, so I went back in.

Q. Is that the only reason you went back in?

A. Well, I wanted to protect my job. We didn't belong to any organization or to the C. I. O. so I didn't see any reason for me to come out because I didn't belong to the C. I. O.

Q. Did you speak to your foreman about it?

A. No, sir.

Q. What is his name?

A. Hankes.

Q. You didn't speak to him about that?

A. No, sir.

Q. Before you went back?

A. No, sir.

Q. You testified about certain individuals carrying clubs. Could you identify a single individual carrying one?

A. Well—

Q. You know what the word "identify" means? Could you identify a single individual carrying a club?

A. Well, it was too far; maybe—

Q. Before you say maybe, could you or couldn't you identify a single person carrying a club?

A. I can't.

Q. Did you also get paid for 14 hours a day while working in the mill?

A. Yes, sir.

Q. You got your meals for nothing?

A. Yes, sir.

Q. You had cots provided for you?

A. Yes, sir.

Q. When did you go back after June 30th?

A. We went back—I think I was working the 12 to 8

turn—I think I went back on the 12 to 8 turn.

Q. Can't you say when you went back after you left the plant on June 30th? Did you go back the next day or did you stay out for any period of time?

A. I went back on the same night—the 12 to 8.

Q. Have you lost any time at all during the strike?

A. No, no time at all. Only when we had to work seven days. We only had to work six days ordinarily.

Q. I realize you are on a six-day basis. Is that the only time that you have lost?

A. Yes, sir.

Q. And during the period from May 25, 1937, to June 30th, 1937, you received time and three-quarters?

A. Yes.

MR. LAUTER: That is all.

MR. KETTERER: That is all.

(Witness excused.)

JOHN F. COSTELLO

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Ketterer) Will you state your name, please?

A. John Costello.

Q. Where do you live?

A. I live at the Rich Apartments in Canton, Ohio.

Q. You work for the Republic Steel Corporation?

A. I do.

Q. How long have you worked for the Republic Steel Corporation?

A. 16 months.

Q. Were you working there on the 25th day of May, 1937?

A. I was.

Q. Now, I will ask you to state whether or not you remained in the plant from the time of the strike; from the 25th of May, 1937, until June 30th, 1937?

A. I did.

Q. Would you tell us, Mr. Costello, whether from the time of May 25th, 1937, you received any order or direction or any report from any superintendent or foreman or officer of the Republic Steel Corporation—

A. I didn't.

Q. —directing you to report for duty in the event of a strike on the 25th of May, 1937?

A. I did not.

Q. And during the period of time that you remained in the plant from the 25th of May, 1937, until the 30th of June, 1937, what is the fact as to whether or not you received any order or direction from any officer or foreman or superintendent of the Republic Steel Corporation, directing you to remain in the plant during the period of the strike?

A. I did not.

MR. KETTERER: We have no further inquiry.

MR. LAUTER: That's all.

MR. KETTERER: That's all.

(Witness excused.)

KARL KUHNS

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Ketterer) Your name is Karl Kuhns?

A. Yes, sir.

Q. Where do you work, Mr. Kuhns?

A. Republic Steel, Canton.

Q. For how long have you worked for Republic Steel Corporation, at Canton?

A. I started there in 1913, the old Hiner Steel Company.

Q. You worked continuously since that time?

A. Except when I was in the Army.

Q. Yes.

A. And for about two weeks at another time that I left.

Q. Now, Mr. Kuhns, you were employed by Republic Steel on the 25th of May, 1937?

A. I was.

Q. In what capacity?

A. Charge of the shipping to the trade.

Q. I will ask you to state whether or not you were in the plant during the strike from the 25th of May, 1937, until the 30th of June, 1937?

A. I was.

Q. Continuously?

A. Continuously.

Q. Now, Mr. Kuhns, I will ask you to state whether or not prior to the 25th of May, 1937, you received any order from any superintendent or foreman or officer of the Republic Steel Corporation asking you to report for duty at the plant in the event of a strike on the 25th of May, 1937?

A. I received an order from the man for whom I worked, the evening of the 25th.

Q. Well, now, what was that?

A. That there was going to be a meeting that night, and they were looking for the strike to be called.

Q. And following that you went into the plant?

A. I went in the plant about 8 o'clock that evening.

Q. When did your turn end prior to 8 o'clock that evening?

A. I beg your pardon?

Q. When did your turn end?

A. I work all day turn.

Q. I see.

A. In the office.

Q. Well, Mr. Kuhns, during the period of the strike, that the strike was on from the 25th of May, 1937, until the 30th of June, 1937, I will ask you whether or not you received any order compelling you to remain in the plant during the period of the strike?

A. I did not.

MR. KETTERER: That's all.

Cross Examination

Q. (By Mr. Lauter) You say that the man for whom you worked told you about a meeting on May 25th?

A. Yes, sir.

Q. Who was the man for whom you worked?

A. Ralph Cornell.

Q. And he told you this on May 25th?

A. Yes, sir.

Q. What is his position?

A. He had charge of the order and shipping department.

Q. Charge of the order and shipping department?

A. That is right.

Q. Is that your department?

A. I had charge of the shipping, yes.

Q. What is that?

A. I had charge of the shipping under him.

Q. Now, what is his position? What is his title in the mill?

A. Well, he has charge of the order and shipping, I would not just say he has a title.

Q. Well, is he a foreman or general foreman or superintendent? What is his position or title?

A. Well, it would be superintendent, in other words, of the ordering and shipping.

Q. Superintendent, and you are a foreman?

A. No, sir.

Q. What is your position?

A. I am chief shipper.

Q. You are what?

A. Chief shipper.

Q. Well, are you an employee or foreman? Have you a title?

A. Chief shipper.

Q. You have no title?

A. Well, shipper is the title I have.

Q. Shipper is all your title?

A. Yes.

Q. You took your orders from Ralph Cornell, is that correct?

A. Yes, direct orders from him. He is my direct boss.

Q. What did he tell you on May 25th?

A. Well, he said there was going to be a meeting of the C. I. O. and it looked very much as though a strike was going to be pulled that evening and I should arrange to get in before or by 9 o'clock that evening.

Q. Where did he tell you this?

A. In his office.

Q. Where is his office?

A. On 8th Street, main office.

Q. Is that the working part of the mill?

A. I beg pardon?

Q. You talk about the 8th Street office.

A. That is the main office of the mill.

Q. Is that his office, his regular office?

A. Yes, he has an office in there.

Q. And did he call you to the office?

A. Yes, sir.

Q. And he told you to get back in the mill by 9 o'clock?

A. We should be back by 9:00.

Q. What else did he tell you at that time?

A. Not much else at that time.

Q. Now what turn did you work?

A. He did—I worked in the office, all-day turn.

Q. Now, what are the hours of the all-day turn?

A. 8 to 5:00.

Q. 8 to 5:00? About what time did he call you into his office?

A. About a quarter after 5:00.

Q. He told you to go back at 9 o'clock?

A. He did.

Q. What did you tell him?

A. I told him that I would be there.

Q. Is that all that he said to you?

A. No, he instructed me to call five other boys from my office, and get them the message.

Q. Give them the message?

A. Yes, sir.

Q. To what effect?

A. That—the same thing that he told me, we try to be back by that time.

Q. Had to be back by 9 o'clock?

A. He didn't say he had to be back.

Q. He didn't say he had to be back? I am sorry, I thought you did say that?

A. No.

Q. What did he say?

A. Try to be back by 9 o'clock.

Q. Try to be back?

A. Well, yes.

Q. Did he use "try" or "had", do you remember?

A. I don't just recall.

Q. Just take a moment.

A. He had me call them to have them get back, to be in there by that time. I think that is the words he used.

Q. Who are the five boys you called?

A. Do you want the names?

Q. I would like them, yes.

A. Lloyd Moinette, Gust Pedrody, Glen Daley and Lee Tressel.

Q. That is four, who is the fifth?

A. And Hal Jones.

Q. Are these men all in your department?

A. Yes, sir, they work for me.

Q. The same department with you?

A. They work for me.

Q. And did you get in touch with each one of these men?

A. I called them by phone.

Q. At their homes?

A. Yes, sir.

Q. You told each one of them to be at the plant at 9 o'clock?

A. That is the word I was told to give them, yes.

Q. Were these men at the plant at 9 o'clock?

A. They were all in.

Q. How long did you stay in the mill?

A. From the—about 8 o'clock on the 25th of May until about 6 or 6:30 on the 30th of June.

MR. LAUTER: Would you mind reading back the testimony of this witness, beginning with the question that was asked him with respect to the order to report for duty? Find that question, please.

(Thereupon the Reporter read from the direct testimony of Karl Kuhns at page 4173, line 15 to 24 inclusive.)

Q. Did you receive time and three-quarters for the time you stayed in there?

A. No, sir.

Q. How much did you receive?

A. I received my regular salary.

Q. Did you get your meals for nothing?
A. Yes, sir.
Q. Were you provided with a cot?
A. Yes, sir.
Q. What else did you receive?
A. Do you mean financially or any other way?
Q. That's right.
A. Well, they gave us—after it was over they gave us a check, supposed to be sort of a bonus for our services for staying in, in place of the one and three-quarters per cent that they paid the hourly men and that was—gave me an increase—I forgot to mention, I also draw tonnage on the open hearth, they gave us one and three-quarters per cent tonnage on the open hearth based on the fifteen days of May—first fifteen days of May. Outside of that just regular salary.
Q. How much of a bonus did you get?
A. $49.50.
Q. $49.50?
A. Yes, sir.
Q. For the period from May 25th to June 30th?
A. Well, it wasn't given for any particular period. They just handed it to you in an envelope.
Q. And was there any designation in the envelope?
A. No, sir.
Q. Indicating for what it was?
A. No, sir.
Q. Now, you are a snipper, is that correct?
A. Yes, sir.
Q. Your exact title is what?
A. Just shipper of the U. S. division.
Q. Did you vote under the employees representation plan?
A. No, sir, I didn't have a vote.
Q. You didn't have a vote?
A. No, sir.

Q. Is that because you are considered as a—

A. A foreman.

Q. A foreman?

A. That is right.

Q. These other five men that you testified you called were not foremen?

A. No, sir.

Q. Is that correct?

A. That is right.

Q. They are all employees entitled to vote under the Plan?

A. That is right.

Q. Did they receive a bonus?

A. There was three of them were on an hourly rate, they were getting the one and three-quarter per cent; and two of the other ones—or the other two, rather, are on a salary. They received, I believe, the same as I received. Now, I didn't see their checks.

Q. Well, they told you and you understood from them what they received, is that where you got your information from?

A. No, I don't believe they told me what they received.

Q. Well, did you tell them what they were going to receive?

A. No, I didn't know.

Q. How do you know what they were going to receive?

A. I don't know.

Q. Well, how did you know, now?

A. That is what I say, I don't know.

Q. In other words, your answer was in the nature of a speculation, as to what they received, based on what other men in the plant got, is that correct?

A. Do you mean the hourly men?

Q. That's right.

A. Or did you mean the salary men?

Q. Salary?

A. Well, I would think they got about the same as I did.

Q. Well, what I am asking you is, you did answer and say that three of the men got one and three-quarters time?

A. Hourly rate, yes.

Q. I just asked you how you happened to know that, that these three men did get that?

A. I knew that.

Q. How did you know that?

A. Well, they worked for me and I knew what they were getting.

Q. Well, when did you know?

A. Through Mr. Cornell—oh, when, did I know that?

Q. That is right.

A. Oh, I would say three or four days after the strike had started.

Q. How did you know it?

A. Well, from the different reports, they told me that they were on the—that they were included in that category also, getting this one and three-quarters per cent.

Q. Who told you that?

A. They did.

Q. Did Mr. Cornell tell you that also?

A. I don't recall, whether he did.

Q. When were you first advised that you were going —that these men were going to get an increase in wages for the time they stayed in?

A. About that time, about three or four days after.

Q. And did you tell that to the men when you told them that they had to be in the plant by 9 o'clock?

A. No.

Q. On May 25th?

A. No, sir.

Q. Did you tell that to the men while they were in the plant, after you found out from Mr. Cornell?

A. I think Mr. Cornell told them.

Q. He told them in person?

A. Yes.

MR. LAUTER: That's all.

Redirect Examination

Q. (By Mr. Ketterer) Mr. Kuhns, just a minute, one further question. Prior to the 25th day of May, 1937, had you had a conversation with your superintendent concerning the prospects of a strike?

A. Well, we had talked it over.

Q. And what, if anything, was said in that connection?

A. Well, he told us that the plant—they intended to operate the plant, and in the event it operated and they called a strike, why he would like to have us in there.

Q. What, if anything, did you say?

A. I was—I told him I would be there, but I preferred going in before the thing happened, rather than to try to get through the line.

MR. KETTERER: That is all.

Recross Examination

Q. (By Mr. Lauter) Now, you say Mr. Cornell told you that they intended to operate the plant?

A. That was the conversation, yes, sir.

Q. How long prior to May 25th did you have that conversation with Mr. Cornell?

A. I would say about a week previous.

Q. Did you communicate that conversation to any

of these men?

A. Oh, yes, we talked it over.

Q. That is, these five men?

A. Yes.

Q. You communicated to them the conversation you had with Mr. Cornell?

A. Yes.

Q. New, let's have that conversation, please.

A. Well, I couldn't just recall the exact words.

Q. Well, in substance?

A. That he had called me in his office and we had talked it over, then I mentioned it to the boys that in the event a strike was called, it was the intention of the management to operate the plant.

Q. Is that the extent of that conversation with Mr. Cornell?

A. Yes, about—that is about all of it, yes, sir.

Q. Did you have any other conversation with him about what would happen in case of a strike was called?

A. Just different times we talked about it and not anything definite. It was a matter of common conversation out there, you know. Speak to him about it—I wouldn't realize how many times I would speak to him about it.

Q. Was the common conversation out there for the—

A. No, sir.

Q. (Continuing) To tell you or to communicate with the plant in case a strike was called?

A. No, sir.

Q. Now, what was common conversation there?

A. Well, I really didn't talk to any of the superintendents outside of Mr. Cornell told me. I considered him my boss and I got my information from him.

Q. Now, did you communicate that information with any of the other men; that is correct?

A. That is right.

MR. LAUTER: That is all.

TRIAL EXAMINER LINDSAY: Just a minute. Mr. Day and Mr. Lauter, come up here, please.

(Discussion off the record.)

Q. (By Mr. Lauter) Did the salaried men all receive a bonus?

A. As far as I know they did.

Q. They did?

A. You see, they give it to us individually; what they got I don't know.

MR. LAUTER: That is all.

MR. KETTERER: That is all.

(Witness excused.)

C. F. PRICE

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Ketterer) Will you state your name, please?

A. Clifton F. Price.

Q. Keep our voice up, Mr. Price, so we can all hear the answers.

A. Yes, sir.

Q. Where do you live, Mr. Price?

A. Massillon, R. D. 1.

Q. By whom are you employed?

A. Republic Steel.

Q. In what capacity?

A. Assistant superintendent on the open hearth.

Q. Were you so employed on the 25th day of May, 1937?

A. Yes, sir.

Q. Now, I will ask you whether or not you had working in your department prior to the 25th of May, 1937, a man by the name of Sam Christ?

A. Yes, sir.

Q. How long has he worked for the Republic Steel Corporation or its predecessors?

A. It has been several years; 12 or 13. I would not be positive of it but it is a long time.

Q. And he worked in your department, did he?

A. Yes, sir.

Q. Now, was he working at the time operations were suspended in Massillon just preceding the strike?

A. I think he worked on a Monday and preceding the strike Tuesday.

Q. Now, following the reopening of the plant on the 5th of July, 1937, what if anything did you do in respect to rehiring Sam Christ as a member of the Republic Steel Corporation?

A. Well, I don't know where Sam Christ lived. I wasn't there; I told my turn foreman and the recorder about telling him his job was open.

Q. When was that?

A. That was probably towards the middle of July.

Q. 1937?

A. Yes, sir.

Q. Now, what were the names of those two men you just mentioned?

A. Streisy.

Q. And the other man?

A. Schwarm; Charles.

Q. Charles Schwarm?

A. Yes, sir.

Q. Did you yourself ever contact Sam Christ following the reopening of the plant in July, 1937?

A. No, I endeavored but I couldn't.

Q. Now, just tell us what you did in respect to your

endeavors to contact him after the reopening of the plant.

A. I stopped at his house on a Saturday afternoon after I left the plant. He wasn't home. I told his wife to have Sammy come up to my house in the morning; I would be there. She said: "All right." She would have Sammy there. I stopped there Sunday noon and Sammy still wasn't home.

Q. Now, at any time since the reopening of the plant has Sam Christ ever come to you and asked for re-employment of his old job?

A. No, sir.

Q. Now, your department in the Massillon plant, Mr. Price, I will ask you whether or not you have a man by the name of Tefir Tahir, also known as Taffy?

A. Yes, sir.

Q. Now this man, Mr. Price, who is known by the name of Taffy, how long has he worked in your portion of the Republic Steel Corporation or its predecessor corporations in the Massillon plant?

A. He was in the plant for several years; several years ago in the open hearth, and then he left, but he came back in 1933 and 1934; I can't tell you the date but he has been there two or three years, maybe longer than that.

Q. Was he working at the time the plant suspended operations at or immediately prior to the strike?

A. Yes, sir.

Q. Now, what if any steps did you take following the reopening of the plant in July, 1937, to rehire this man referred to by the name of Taffy?

A. The same as Sammy: I asked his foreman, I would like to locate him, telling him we were starting up again.

MR. DAY: Will you read that answer?

(The last answer was read.)

Q. Was there anything else told this man? To refresh your recollection, did you tell him anything in respect to his old job being open?

A. Yes, I told him about it, oh, about his old job being open—that he could get his old job back.

Q. Now, did you visit this man Taffy's home at any time?

A. No, sir.

Q. I will ask you, Mr. Price, whether or not since the plant reopened in July, 1937, if this man Taffy has ever come to you and asked to be rehired as an employee of the Republic Steel Corporation?

A. No, sir, I haven't seen him since the strike.

Q. Mr. Price, did you at any time know that either of the men that you have spoken about, that you sent Mr. Schwarm to leave any notes at the home of this man Taffy or Sam Christ?

A. I didn't.

Q. Did you authorize such a procedure?

A. No, sir.

MR. KETTERER: That is all.

Cross Examination

Q. (By Mr. Lauter) How long have you worked for Republic Steel, Mr. Price?

A. Oh, about 20 years.

Q. What is your position in the plant?

A. Assistant open hearth superintendent.

Q. How many men are employed under you?

A. We have about 200 in the open hearth.

Q. I didn't hear you.

A. About 200 in the open hearth.

Q. Did you stay in the mill after the strike?

A. We were in there until the heats was out.

Q. When was that?

A. Probably the first two or three days of July. We didn't try to operate the plant at all.

Q. Well, the strike took place on May 25th?

A. The 26th, I believe.

Q. Well, the 26th?

A. Right.

Q. When did you leave the plant?

A. Probably June 2nd or 3rd.

Q. You stayed in the mill until June 2nd or 3rd?

A. Yes.

Q. And left at that time?

A. Yes, sir.

Q. Were you interfered with in any way when you left?

A. What?

Q. Did you suffer any bodily injury when you left?

A. No.

Q. Any pickets attack you?

A. No.

Q. Now, was there a worker in that department known by the name of Chuck?

A. Yes, sir.

Q. His initials are C. S.?

A. Charles Schwarm.

Q. I hand you Board's Exhibits Nos. 49 and 50 and ask you whether or not the statements on these exhibits conform substantially to the directions which you gave to Mr. C. S. Schwarm who is a recorder. His initials are C. S. Schwarm (handing a paper to the witness).

A. No, sir, I authorized no note whatsoever.

TRIAL EXAMINER LINDSAY: He didn't ask you that question.

MR. LAUTER: Will you read that question of mine, Mr. Reporter?

(The last question was read.)

A. How do you want that answered?

(Discussion off the record.)

A. The contents of the note are not what—

TRIAL EXAMINER LINDSAY: Read the question once more to the witness.

(Discussion off the record.)

TRIAL EXAMINER LINDSAY: Read that note.

A. No.

Q. Will you read that note?

A. I haven't the note and the answer is no.

MR. DAY: Will somebody read that note out loud?

MR. LAUTER: All right. I will. "Taffy: Report to work Sunday morning (tomorrow) at 7 a. m. if you want your job. See Sam Christ also. Price per C. S."

Q. Now, you did give some instructions to Chuck, is that right?

A. Yes, sir.

Q. Now, you told him to go and see Mr. Taffy and another gentleman named Sam?

A. Yes, sir.

Q. Tell Chuck to tell them?

A. To tell those boys that their jobs was starting now. It was being opened. That they should come back to work.

Q. When were they asked to come to work?

A. There was no definite time set.

Q. Now, mention was made of the men reporting on Sunday?

A. No, sir.

Q. When did you tell Chuck to go and see Taffy and Sam?

A. It was probably the day before Sunday—Saturday—I am not positive as to the time when they should.

Q. Did I understand that you did tell Chuck to re-

port—to have these men report to work?

A. I told him to tell them to report to work.

Q. And you told Chuck to tell these men to report for work and you are saying that this statement on Board's Exhibit No. 50 is not substantially the same as: "Sam: Report to work at the pits July 18th, 1937, Sunday morning, at 7 o'clock if you want your job. Price per C. S." You say that is not substantially what you told Chuck?

A. No, sir.

Q. You didn't set the date?

A. I didn't set no time limit on it.

Q. Apart from the fact that you didn't set any time limit on it, was there anything else that differs from your instructions to Chuck?

A. Just to tell them to report to work.

Q. Look at this and tell me if there is anything else that differs from your instructions to Chuck except that on this Board's Exhibit No. 50 there is instructions to report at 7 o'clock.

A. There is a note written.

MR. LAUTER: Will the Reporter read the question?

(The question was read.)

MR. LAUTER: Look at the exhibit if you wish in answering that question.

A. A note was written.

Q. I am talking about the contents of the note.

A. I have repeated that two or three times.

MR. LAUTER: Will you read the question once more to the witness?

TRIAL EXAMINER LINDSAY: That doesn't make any difference. Answer the question.

A. No.

Q. Then do I understand your testimony to be, Mr. Price, that you did tell Chuck to tell these men to report to work?

A. Yes, sir.

MR. LAUTER: That is all.

MR. KETTERER: That is all, Mr. Price.

(Witness excused.)

CLIFFORD W. STREBY

a witness called by and on behalf of the Respondent, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Ketterer) Will you state your full name, please?

A. Clifford W. Streby.

Q. Where do you live?

A. R. D. 4, Massillon.

Q. Where are you employed?

A. Republic Steel.

Q. How long have you worked for Republic Steel Corporation?

A. Between 10 and 11 years.

Q. And in what capacity are you employed there at the present time?

A. Turn foreman.

Q. In what department?

A. Open hearth pits.

Q. And is Mr. C. F. Price, who just left the witness stand, your immediate superior?

A. He is my superintendent.

Q. Were you employed as turn foreman in the open hearth department at the Massillon plant when the plant closed on account of the strike?

A. No, sir.

Q. In May, 1937?

A. No, sir.

Q. What job did you have then?

A. Steel pourer, and first ladle man.

Q. When was it that you returned to work at the plant following the strike?

A. The first day after they opened up, I think it was the 5th.

Q. Of what month?

A. July.

Q. Now, are you acquainted with the man who was referred to here in the record as Taffy?

A. Yes, sir.

Q. And did he work in the department prior to the time that the mill closed immediately preceding the strike?

A. He wasn't working on our turn, but he was working. He was working on another turn.

Q. Now, you may state whether or not you received any directions of any kind from Mr. Price, your superintendent, in respect to notifying Taffy about his being re-employed following the re-opening of the plant after the strike?

A. I did.

Q. Do you recall about when that was?

A. I think it was on the first Sunday I reported to work as foreman.

Q. The first Sunday?

A. First Sunday.

Q. Was that the first Sunday after the plant opened?

A. No, it was the second Sunday.

Q. Second Sunday What instructions did you receive from Mr. Price about this man Taffy?

A. To come down to tell him his job was open, he should report to work.

Q. What did you do after you received those instructions?

A. Why, I didn't go, the first day. I told this recorder to go and see him because it was on his road

home. I didn't know where he lived. So he went and seen him and reported to me on Monday morning.

Q. Well, you weren't with the recorder?

A. That is Mr. Schwarm, is my recorder.

Q. But I say, you were not with him when he went?

A. Not with him when he went and stopped at Taffy's house, no, sir.

Q. Did he make a report to you on Monday in respect to these directions that you had given him?

A. Yes, sir, when he returned he made reports that he had stopped at his home and nobody was there.

Q. I see. Now, following that Monday when you got this report from Schwarm, did you make any effort yourself to contact this man Taffy?

A. Two different occasions I did.

Q. Now, when was that?

A. Well, I can't give you the exact dates, but it was about a week after he was there the first time.

Q. And where did you go?

A. To his home where he boards.

Q. What, if anything—And whom did you see at the home there?

A. Well, I don't know whether it was his boarding lady or his wife, but it was some lady came to the door and I asked for him and she said he wasn't there.

Q. Did you give her any message?

A. Not the first time.

Q. Well then, when did you go back the second time?

A. Oh, about a week later.

Q. And whom did you see on that occasion?

A. The same lady.

Q. And did you give her any directions then?

A. I asked for him.

Q. And anything else said?

A. She wanted to know what I wanted with him.

Q. And what did you tell her?

A. I told her I wanted to know—I wanted to know whether he wanted to come back to work, that his job was open.

Q. Have you ever seen this man Taffy at the plant since that time?

A. No, sir.

Q. Are you acquainted with a man named Sam Christ in the same department?

A. Yes, sir.

Q. And was he working at the time the mill closed just preceding the strike?

A. He and Taffy worked on the same turn.

Q. Worked on the same turn? Now, following the reopening of the plant, after the strike, did you receive any instructions from your superintendent, Mr. Price, concerning the re-hiring of this man Christ?

A. The same order I got for this Taffy.

Q. And that was what?

A. To go to tell him his job was open, he should report for work.

Q. All right, now what did you do pursuant to that order?

A. Well, I sent this man Schwarm the first Sunday, I didn't know where he lived so he stopped—he told me the same thing about him as he told me about Taffy. He wasn't at home.

Q. Now, did you go to Christ's home following that?

A. I waited a few days and then I stopped on my road home.

Q. Can you fix the time when you stopped the first time?

A. Not the exact date, no, it was only two or three days after.

Q. Did you see anybody at home then?

A. Nobody home the first time I stopped.

Q. Then did you stop a second time?

A. I stopped sometime later than that, and then I talked to his wife; she was home.

Q. You talked to his wife?

A. I talked to his wife.

Q. Now, what conversation did you have with her about it?

A. Well, I just asked her whether she knew whether Sammy wanted to come back to work.

Q. And what did she say?

A. She said she thought he did, but he was afraid.

Q. And what did you say, if anything?

A. I said I didn't see why he had to be afraid, going in and out every day, why he had to be afraid. I would stop and haul him in and out in my car, if he would come back.

Q. And did you make any other arrangement about taking them in?

A. No, sir.

Q. Did you stop on any other occasion?

A. I stopped one Sunday after that.

Q. And was anybody home at that time?

A. Well, she was home at that time and I wanted to see him, and she said he wasn't there. And I said, "Well, will you have him here at 7 o'clock in the evening?" And she said, "I will; if he comes home for supper." So I went home and went back at 7 o'clock in the evening and nobody was there.

Q. Did you see this Mrs. Christ around there any place?

A. I saw her sitting in the corner—across the street on the front porch, with some other people.

MR. KETTERER: That's all.

Cross Examination

Q. (By Mr. Lauter) You were not afraid of the pickets, were you?

A. No, sir.

Q. No pickets ever did you any bodily harm?

A. No, sir.

Q. You saw the pickets?

A. Yes, sir.

Q. Now, you are a turn foreman?

A. Now, yes, sir.

Q. When did you become turn foreman?

A. Around about the 18th of July.

Q. That was prior to your leaving these notes that are in evidence as Board's Exhibit 49 and 50?

A Well, that did happen while I have been turn foreman.

Q. That is what I am asking you?

A. Yes.

Q. You became turn foreman before you left Board's Exhibit 49 and 50?

A. Yes, sir.

MR. KETTERER: Did I understand you to be interrogating him about leaving notes?

MR. LAUTER: That's right.

MR. KETTERER: He didn't testify—

THE WITNESS: I didn't leave no notes.

Q. I am asking you now whether you left notes?

A. No, I left no notes.

Q. You left no notes?

A. No notes to nobody.

Q. Did you give instructions about leaving notes?

A. No, sir.

Q. Yes, sir, you are not the "C. S." who left the notes, is that right?

A. No, sir.

Q. Now, what is the name of the person who is "C. S." who left the notes, do you know?

A. It is supposed to be Charles Schwarm.

Q. Let me get that straight. Did you tell Charles

Schwarm to tell Taffy and Sam to report for work?

A. No, I didn't tell him, he asked me whether I was going to stop off on the road home. I told him no, I didn't know where they lived, I couldn't stop, that he should stop.

Q. I see.

A. So he stopped.

Q. And he left those notes, is that correct?

A. I don't know whether he did or not.

Q. Did he tell you whether he did?

A. He didn't say a thing about the note until this trial came up.

Q. Well, has he told you that he did leave the notes there?

A. Yes, sir.

Q. What else did he tell you?

A. That is all he told me.

Q. Concerning this case?

A. That is all he told me.

Q. Didn't he tell you that he left them in pursuance to instructions from Mr. Price?

A. No, sir.

Q. To tell these men to report back to work?

A. No, sir. He knows—

Q. What is that?

A. He says to me the other day he was sorry he left the notes.

Q. Is that all he said to you?

A. Yes, sir.

Q. He didn't tell you why he was sorry?

A. Why, because he had no authority to leave them.

Q. Is that what he said?

A. Yes, sir.

Q. What else did he say about being told to tell these men?

A. That is all.

Q. Is that all the conversation you had with him?

A. Yes, sir, about the note.

Q. That he told you he was sorry—What is that?

A. That is all the conversation we had about the note.

Q. Where did you have the conversation? In the shop?

A. In the office.

Q. Was that in your office?

A. No, it is in the office of the pit. Not my office, I don't have an office.

Q. Whose office was that?

A. Mr. Price's office.

Q. Now, have you hauled any other men back and forth from work?

A. Yes, sir.

Q. That is while you were turn foreman?

A. Yes, sir.

Q. While the strike was on?

A. Yes, sir.

Q. Did you tell any other men that they needn't be afraid, that you would take them to and from the plant?

A. Only the men that I haul now.

Q. What is that?

A. Only the men that I haul now.

Q. You told them?

MR. LAUTER: Mr. Reporter, did you get the nod of the head?

THE WITNESS: The men I am hauling now I hauled then.

Q. There was a question which I asked, you nodded "yes" when I said, "You told them"?

A. Yes.

Q. What orders did you get from Price, if any, with respect to Sam and Taffy?

A. Who?

Q. What orders or instructions did you get from Mr. Price with respect to Sam and Taffy?

A. To go to notify them that the job was open and they should report to work.

Q. Was there anything said in the event they didn't report to work?

A. No, sir.

Q. Do you know whether or not their jobs have been filled since then?

A. Yes, sir.

Q. They have been filled?

A. Yes, sir.

Q. When did you say you went to see them? When were you told to go to see them?

A. The first time was the first Sunday. I went into work as a foreman that first Sunday.

Q. When was that?

A. The first time was on that Sunday?

Q. Have you got the approximate time on that?

A. No approximate time, no. I think it was the 18th, though.

Q. Now, were there jobs filled after that or before that date?

A. No, they were filled a long time after that.

Q. A long time after that?

A. Yes, sir.

Q. Now, how many times did you go to Sam's house or Taffy's house?

A. I went to Taffy's house twice and Sam's house four times.

Q. On each occasion you left word that someone should—you left word with someone or with somebody, or were there occasions when you visited the home of Sam and Taffy and were able to find them in?

A. Once I left word at Taffy's, and three times at Sam's house.

Q. That they were to report to work if they wanted the job?

A. That is what I told his wife. If he wanted the job he should come to work.

Q. That they were to report to work?

A. Yes, sir.

MR. LAUTER: That is all.

MR. KETTERER: That is all.

(Witness excused.)

TRIAL EXAMINER LINDSAY: We will adjourn until 9:30 in the morning.

(Whereupon at 5 o'clock p. m., September 14th, 1937, an adjournment was taken to 9:30 o'clock a. m., September 14th, 1937.)

Council Chambers, City Hall, Canton, Ohio,
Wednesday, September 15, 1937.

The above-entitled matter came on for hearing, pursuant to adjournment, at 9:30 o'clock a. m.

Before:

John T. Lindsay, Trial Examiner.

Appearances:

Mark Lauter, Esq. and Joseph A. Hoskins, Esq., appearing for the National Labor Relations Board.

Luther Day, Esq., Arno G. Erdrich, Esq., (Cleveland, Ohio), and J. G. Ketterer, Esq., (Canton, Ohio), appearing for the Respondent.

PROCEEDINGS

TRIAL EXAMINER LINDSAY: The hearing will come to order.

(Discussion off the record.)

SAM DAVEY

a witness called by and on behalf of the Respondent, being first duly sworn, was examined and testified as follows:

Direct Examination

Q. (By Mr. Ketterer) Your full name, please?
A. Samuel Davey.
Q. And where do you live, Mr. Davey?
A. 304 25th Street, N. W., Canton, Ohio.
Q. Are you employed at the present time?
A. I am.
Q. In May, 1937, by whom were you employed?
A. Republic Steel Corporation.
Q. In what capacity were you employed in May, 1937, by the Republic Steel Corporation?
A. Superintendent of the Canton Tin Plate Division of Republic Steel.
Q. How long had you been connected with the Tin Plate Division of the Republic Steel in Canton?
A. Oh, about 14 months; up until the 15th of August.
Q. Of 1937?
A. 1937, yes.
Q. You are no longer with the Republic Steel at the present time?

A. No, sir.

Q. What did you say your capacity was out there?

A. Superintendent of the Tin Plate Division; of the Canton Division.

Q. Now, what you referred to as the Tin Plate Division of the Republic Steel Corporation, had you had any contact with that during the time it was owned by the Republic Steel?

A. Yes, I was one of the owners of the plant.

Q. When was that sold to Republic Steel?

A. July 1st, 1936.

Q. July 1st, 1936?

A. Yes, sir.

Q. Then you remained on as superintendent continuously after that time until August, 1937?

A. Right.

Q. Now, at the time the Republic Steel took this plant over in July, 1936, what was the character of the operations that were being conducted in that plant?

A. When they took it over?

Q. When they took it over.

A. It was manufacturing tin plate; about 80%, and about 20% black plate.

Q. Will you distinguish this, or distinguish this tin plate from the black plate?

A. The same product up to the point where it is coated with tin.

Q. Coated with tin?

A. Yes.

Q. Now, Mr. Davey, by what means was tin plate made in the Canton Tin Plate Division here?

A. What is known as the four part system.

Q. The four part system?

A. Yes, it is known as the four part system.

Q. Will you describe that a little more in detail for us?

A. Well, it is practically all hand work with the exception—in other words, it is the same process that has been in effect for the last 50 or 60 years.

Q. Is it correct to state that the operation of this plant could be characterized as a hand operated tin mill?

A. Yes, sir.

Q. Now, is there any other tin mill process besides that?

A. Oh, yes.

Q. What is that?

A. There is the three part which is somewhat similar to others with a mechanical doubler; there is a mechanical doubler. There is also a continuous strip rolling process—which is the most modern process.

Q. Which is the most modern process?

A. The continuous strip rolling process.

Q. That is the most modern?

A. Yes, sir.

Q. Now, generally in the Tin Plate Division what has been the experience, to your knowledge, of plants operating the hand mill of the character that this plant was out here in operation?

A. In the past two years they are gradually going out of the picture; the larger companies—they are going out of the picture.

Q. They are going out of the picture?

A. The hand mills are.

Q. To your knowledge, has that been your experience?

A. They constructed one at Niles, commencing about last September, and finished it around February, a modern strip mill for tin plate only.

Q. And that was at Niles, Ohio?

A. Niles.

Q. And operations commenced at that plant when?

A. Around about the 1st of February.

Q. Of what year?

A. 1937.

Q. Then what happened at the Canton Tin Plate Division in respect to the production of tin plate?

A. Tin plate was discontinued at the Canton Tin Plate Division.

Q. That is—

A. That is, coating of the plate; coating department was discontinued.

Q. And what was done with the tin plate production of the Republic Steel Corporation, to your knowledge?

A. Tin Plate production, that is rather—what do you mean? The tin plate production of Republic Steel?

Q. Yes.

A. Oh, that was taken to Warren and to the new strip mill at Niles.

Q. And from about February 1st, 1937, when the operations at this new Niles mill commenced, I will ask you to state, Mr. Davey, what business was conducted in the former tin plate division of the Republic here in Canton?

A. After that date?

Q. After that date.

A. Why, we were attempting to get sufficient black plate from various parts of the country to continue operations on the black plate basis.

Q. What is the capacity of this mill in the black plate production out here?

A. Between 750 and 800 tons a week.

Q. Now, you have testified that you were there from July, 1936, until August, 1937?

A. Right.

Q. I will ask you whether or not you are familiar with the production of black plate in the Canton plant here from February 1st, 1937, by weeks—scheduled production?

A. As to the tonnage?

Q. Yes.

A. Yes.

Q. Can you tell us what that is?

A. I have some figures taken from my schedules.

Q. You can't tell without referring to that memorandum?

A. Not without referring. There are too many figures.

Q. All right.

A. I would not attempt to remember them. Beginning with the week of February 22nd, 515 gross tons. March 1st, 761. March 8th, 425; March 15th, 654; March 21st, 497; April 5th, 541; April 12th, 888; April 19th, 609; April 26th, 921; May 3rd, 315; May 10th, 0; May 17th, 0; May 24th, 650 tons; at which time the strike was called, we only worked two turns on that week, and of course there were no operations in the week of May 31st, June 7th, June 14th, June 21st, June 28th, July 5th; and on July 12th we had had 200 tons, and on July 19th 248 tons.

Q. Now, in a black plate mill of this kind out here are there any ordinary standard sizes of sheets that are made?

A. Yes, anything under 14 square feet is considered black plate product. That is, anything under that. That is the maximum size, in other words. Anything beyond that is considered sheet mill product.

Q. Now, for the purpose of increasing the production of the tin plate division out here, what, if anything, was done by using other sizes of black plate in the production of the tin plate division?

A. We were — as operating heads, myself and the manager of the order department, we continually solicited the other departments for additional tonnage. We managed to get approximately 100 to 125 tons a week, which

is included in this figure, of sheet mill products made on black plate mills.

Q. What is the fact as to whether or not that additional tonnage was at the result of increased cost to the Republic Steel Corporation?

A. Oh, yes, it cost more money to make that on tin mill process.

Q. Can you give us that approximate increase, in percentage?

A. 15 to 18 per cent more.

Q. Due—

A. That is in direct labor.

Q. Now, in the pickets that you have given us, it appears that on the week ending May 10th there was no production scheduled?

A. Nothing on the books. No, sir.

Q. And again on the week of May 17th there was no production scheduled. What, if anything, happened, if you know to account for the fact that there was no production scheduled for those two weeks?

A. Well, the most outstanding thing was the fact that the Canton tin plate—the Canton Stamping & Enameling Company called a strike on Friday, April 29th. April 29th—and they were one of our large customers, Canton Stamping & Enameling.

Q. Now, was there any shut-down at the plant, in the tin plate division of the Republic Steel, on or about the 1st of May?

A. The 1st of May? Yes, our tonnage—referring to our tonnage there, there was no tonnage on May 10th and May 17th we had no tonnage whatsoever to operate.

Q. And will you tell us why the plant was shut down in the early part of May, 1937?

A. We had no tonnage. Of course, the tin plate business is somewhat seasonal, it begins to taper off in December, and black plate business would have their

commitments and it is very difficult to break into a new customer at that season of the year.

Q. Now, at the time of the Canton Stamping & Enameling Company's strike, commencing as you have said, on the 29th of April, did you have any stock of black plate on hand?

A. Oh, yes, we had a large stock for that particular customer and other customers too, but that was the largest customer. We had approximately 1400 tons in the plant, which is equivalent to two weeks' work in process and some of it was finished.

Q. And what, if anything, happened to orders from the Canton Stamping & Enameling Company at the time of this strike?

A. They ceased, immediately.

Q. You couldn't make any furtner deliveries?

A. Couldn't make any further deliveries.

Q. Now, the plant reopened after the shut-down, on what day?

A. I think it was June 20th.

Q. No, I mean the May shut-down.

A. Oh, after the May shut-down? We started, after the May shut-down, we had—on May 24th we had 650 tons we started up.

Q. And for what period of time did you work on the 24th of May?

A. We worked two eight-hour turns, or one and a half, in other words we didn't get the second turn finished. I would say approximately one and one-half turns.

Q. And the plant was not operated during the strike?

A. No, sir.

Q. That division?

A. That division was not.

MR. KETTERER: That's all.

Cross Examination

Q. (By Mr. Lauter) Mr. Davey, you are no longer connected with Republic Steel Corporation?

A. No, sir.

Q. Have you left them because of the way they handled their labor problems?

A. Absolutely not.

Q. How long have you been with Republic, will you say?

A. About 14 months.

Q. When did you start?

A. Well, I was at the plant until I turned the services over to Republic Steel on July 1st, 1936.

Q. Now, the plant shut down on what day, did you say?

A. Well, which shut-down are you referring to?

Q. The May shut-down.

A. The May shut-down; May 10th we did not operate. These schedules operate Mondays and this covers the first day of the week (indicating.)

Q. That is, the shut-down may have taken place on a Friday?

A. Yes, the Monday after that Friday.

Q. You opened on May 24th?

A. May 24th, right.

Q. How complete was that shut-down?

A. The hot mills were completely down. The finishing departments were operating—the cold department and the rolling department.

Q. More than the Tin Plate shut down or only the Tin Plate?

A. The hot mill in the Tin Plate was down.

Q. Approximately how many men remained at work on that shut-down?

A. I would say 50% of the men.

Q. About how many men are there in that Tin Plate Division?

A. When we were working it is 640 to 680. When we discontinued we had 570.

Q. During this period from May 1st to May 24th you say that the mill was operating?

A. I wouldn't say that the mill was operating, just those that were necessary to finish the products.

Q. After that you had just maintenance men?

A. After that only maintenance men.

Q. In other words, it was a complete shut-down except for the maintenance men?

A. That is until May 24th.

Q. That is right.

A. Yes.

Q. Now, have you told any of your employees not to join the C. I. O.?

A. Absolutely not.

Q. Do you know whether any of the superintendents of foremen ever told any of your employees not to join the C. I. O.?

A. Not to my knowledge.

Q. Or within your hearing?

A. Not within my hearing.

Q. Do you know an employee by the name of Johnny John?

A. Yes, sir.

Q. Have you ever had any conversation relative to the C. I. O. with him?

A. I did, yes.

Q. Sometime in the middle of February, did you come to his office or wherever he works about 10 o'clock at night and told him: "If you fellows think you are going to run this plant, you are mistaken. You fellows have got to give up this organizing for C. I. O.?"

A. Absolutely not.

Q. Did you also say to him: "If the C. I. O. keeps this up it will cause this plant to shut down?"

A. Absolutely not. I came to his office and found he and three others in the office capable of handling one man and not doing their work. I happened to be in the plant as I sometimes do at 10 o'clock at night, and told them to go out and attend to their work or I would turn him in.

MR. DAY: I beg your pardon. Will you repeat that answer? I didn't hear it.

(The last answer was read.)

Q. Did you ever have any discussion out there with him about the C. I. O.?

A. Yes, I did.

Q. Did you ask him how many had joined the C. I. O.?

A. I didn't.

Q. What was the discussion that you had about the C. I. O. at that time?

A. Not the C. I. O. but labor organizations generally. I wouldn't say the C. I. O.

Q. Well, tell me what the discussion was that you had with him at that time?

A. Well, that I believed we were very well—being very well represented with the representation that we had.

Q. You mean by the Plan?

A. Yes.

Q. That was the Employees Representation Plan?

A. The Employees Representation Plan which had been in effect since 1933.

Q. What else was said there either by you or by him?

A. I am just—

Q. I am only interested in getting the substance of the conversation as best you can remember.

A. I can't remember. He asked me my opinion about it and I said I didn't believe it would succeed.

Q. What would succeed?

A. The organizations they were going to have.

Q. You mean the C. I. O.?

A. Not the C. I. O.

Q. What organizations are you referring to?

A. The general unrest that was around the plants.

Q. When you say the organizations and the general unrest, what organizations and unrest are you referring to?

A. Well, if you want to call it C. I. O., yes. I didn't believe the C. I. O. would succeed; that was my opinion.

Q. I realize that it is only your opinion—

A. It was my opinion and not Company policy.

Q. Yes, I realize that but I am only interested in getting into the record your conversation at that time.

A. I think I discussed with Mr. John my experience in the steel industry and gave the young fellow the benefit of my experience.

Q. Now, what did you say to him?

A. I beg your pardon?

Q. What did you say to him?

A. Well, that I had seen these things in the past and that I didn't think they would succeed.

Q. Referring to what?

A. Labor unrest and the methods they were using in getting about; or the manner in which they were getting about.

Q. Did you comment about the manner in which they were going on?

A. The general purpose, yes.

Q. (By Mr. Day) I am trying to get into the record your statement of what was said at that time, and if you can recall, I wish you can tell us what you said.

A. I can't remember my conversation that length of time. I don't believe you could or anyone else.

Q. Well, is that as much as you remember of that conversation?

A. Yes, that is as much as I remember there.

Q. Do you remember making the following state-

ment: "I have been square with you fellows but the Republic Steel will be on my neck as to why the Tin Mill is so well organized. I want to be fair with you fellows but the Republic will want to know why I didn't get after you C. I. O. fellows, and if I have to be tough I am going to be."

A. That is an absolute lie.

Q. You didn't say that?

A. Absolutely not; I didn't use such language.

Q. In substance, did you say that?

A. No, sir.

Q. Did you at that time say: "That if the C. I. O. didn't quit organizing the plant will be shut down?"

A. That is absolutely a falsehood.

Q. Well, did you say that to any of the old men there?

A. Absolutely not.

Q. Were there any old men working there?

A. There is a lot of old men working there.

Q. Did you point to any of the old men there at that time?

A. No, sir.

Q. Did you make any comment about that?

A. I may have made this comment but there was men there that had followed this industry for 30 years, had no other trade, and continuously worked in the mills and had no protection; and I wondered what was to become of those men when the continuous mill would come in.

Q. You made no remark about what would happen to them?

A. Absolutely not.

Q. Did you have any other conversation with Mr. Johnny John after that?

A. I think I did have a conversation with him. He came down the next morning to see me and wanted to know if he should resign from the C. I. O. as the Secretary. He

told me that in my office and I told him to use his own judgment.

Q. You didn't suggest to him—

A. Absolutely nothing was suggested. I told him to use his own judgment. He made a trip the next morning, not at my solicitation, but he wanted to see me. He wanted to know about his resigning and I said that was a matter for him to decide, not me.

Q. He didn't make any statement as to what prompted him to do that?

A. No.

Q. Can you remember any more of that conversation?

A. No, I don't remember any more.

Q. Well, did you have any conversation subsequent to that morning that you are now referring to?

A. Well, the conversation you are—

Q. I mean, can you relate any?

A. No.

Q. Your brother is Jim Davey?

A. Yes.

Q. And you both owned the Canton Tin Plate before it was taken over by the Republic Steel Corporation?

A. Yes, we were both stockholders.

Q. What is that?

A. We were both stockholders.

Q. Jim Davey worked with the Republic?

A. Yes.

Q. And he is still employed by them?

A. Yes.

Q. Now, did Johnny John some time in the latter part of February come to see you with your brother, Jim Davey?

A. Not with brother Jim Davey. I don't remember him coming to see me with him. I don't remember him coming to see me.

Q. Well, did he come alone?

A. Well, I just mentioned the time.

Q. You three boys never discussed around there on any occasion?

A. I don't remember.

Q. When did Jim Davey and Johnny John come to see you?

A. That I don't remember.

Q. Do you recall an occasion that you suggested to John by John that he speak to Ed Kirkland?

A. No, not—Ed Kirkland, I remember saying to Johnny John: "If you want advice, why don't you talk to some of the older men who have gone through these things?"

Q. What things?

A. Labor.

Q. And labor organizations?

A. Yes.

Q. That is what I mean.

A. I don't remember all of it. I do remember saying to Johnny: "If you want advice, why don't you talk to those old men that have been in here all their lives?"

Q. Are you referring to Ed Kirkland?

A. I may have; those are the old type of men that are there.

Q. Do you remember saying anything about Owens?

A. Owens—yes.

Q. Ed Kirkland was there?

A. Yes.

Q. Now, when did that conversation take place?

A. I don't remember.

Q. Was that in your office?

A. If there was any—this is the—if there was any conversation it was in the mill. I don't remember any conference in the office.

Q. I mean in the mill; some part of the mill?

A. Yes, on the property; some part of the mill.

Q. Did you suggest to him that he speak to Ed Kirkland or Owens?

A. I suggested that he go have a talk with those boys rather than with me.

Q. And that is because they had been—

A. They had been in the mills for 40 years. Mr. Owens; particularly Ed Kirkland. Owens was there for some time but Kirkland not so long.

Q. Well, did you discuss with him the Employees Representation Plan at that time?

A. I did, yes.

Q. What did you say about it at that time?

A. I said it had been working and functioning successfully since 1933 and I believed we could handle any difficulties that might arise in the future as in the past.

Q. Did you make any comment about Homer Downard?

A. What is that?

Q. Did you make any comment about Homer?

A. No, sir.

Q. Didn't say anything about him?

A. Not that I remember.

Q. Do you remember making any mention about Homer Downard or having any conversation about him?

A. I don't recall.

Q. Had you spoken about Homer, to Homer about any one of the employees at the Canton Tin Plate?

A. I don't remember.

Q. You don't remember?

A. I don't remember.

Q. Have you ever told Johnny John or any of the other employees that you would shut down if they continued their organization activities?

A. Absolutely not. What right would I have to say that?

Q. I don't know. Who is Mr. Thomas?

A. He was the hot mill superintendent.

Q. Do you know whether or not he made any comment of that character? That is, with respect to shutting down?

A. Well, I don't know that; not with my instructions.

Q. None were made within your hearing?

A. No.

Q. In the early part of January did you watch some men distributing literature in front of the Belden Avenue entrance to the Berger plant?

A. Absolutely not.

Q. You weren't with John Thomas up and down there in the plant?

A. No, sir.

Q. You didn't call in your office the men that were distributing literature?

A. I didn't.

Q. Have you ever addressed any safety meetings in the plant?

A. No, sir.

Q. Those were all addressed by your brother, Jim?

A. No, sir, by the department heads. They were while Brother Jim was with me but after he left the heads of the various departments held their meetings in their own departments.

Q. But Brother Jim did occasionally hold a safety meeting?

A. Occasionally but not all of them.

Q. Now, to whom else outside of Johnny John did you express the idea that the Employees Representation Plan had adequately handled labor problems?

A. I presume a great many men in the plant.

Q. Now, you say a great many men in the plant. Did you talk to any of those men in the plant?

A. I did, yes. A lot of them would come to me for advice which they had always done.

MR. LAUTER: That is all.

Redirect Examination

Q. (By Mr. Ketterer) One further question. After the Republic Steel took over the Tin Plate plant in July, 1936, what if anything was done shortly thereafter in respect to the wages of the employees of the Canton Tin Plate? Did they bring them up to the level of the Republic Steel?

A. Why, they were all brought up to the level; that is, the various departments: The mechanical, maintenance, I think it was—there was considerable work done. The rate of pay was raised considerably, then there was a 10% increase and a 15% which was general; but previous to that there had been an adjustment of pay.

Q. Have you any idea what the average in proportion was?

A. No, I wouldn't have any idea. I could make a guess. That is all it would be.

Q. No, we don't want a guess.

A. That is all I could give you.

Q. No.

MR. KETTERER: That is all.

(Discussion off the record.)

MR. LAUTER: That is all.

(Witness excused.)

(Continued On Page 4195, Volume VI.)

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